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The American
Political Science Review

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# THE RÔLE OF THE SENATE IN TREATY-MAKING: A SURVEY OF FOUR DECADES

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The action of the United States Senate upon the large majority of treaties laid before it has been comparatively perfunctory and without important result. Four-fifths of all the treaties submitted to the Senate have been approved by it without any change whatever. Twenty-one per cent have been altered in the Senate, for the most part by changes of words or clauses that later passed the scrutiny of both the President and the foreign powers concerned. Of the 152 treaties amended by the Senate, only one-fifth have been changed so seriously as to compromise or destroy the international agreement proposed. Likewise, the failure of 62 treaties to be approved by the Senate in any form has had serious consequences in not more than a fifth of the situations resulting.[1]

Moreover, while all kinds of treaties have incurred the Senate's displeasure, it has consistently emasculated only one type, i.e., those for the pacific settlement of disputes. It is upon the Senate's action on this class of treaties that opinion as to the usefulness of its rôle in treaty-making must divide. To those who believe that a policy of national isolation can and should be maintained, the record of the Senate is not disturbing; it is highly praiseworthy. To others who are convinced that a progressively developing machine civilization requires strong and effective international controls, the negations of the Senate are much more destructive than conservative.

[1] For the figures used, see R. Dangerfield, *In Defense of the Senate* (Oklahoma Press, 1933), pp. 151, 252.

I

At the present time, it seems strange to recall that in the far off year 1890 the Senate passed a resolution urging the President to develop arbitration as a means of settling disputes that could not be otherwise adjusted. But when the Executive responded with the Olney-Pauncefote Treaty with Great Britain, in 1897, senators who disliked the Cleveland administration, or who distrusted arbitration, combined with those who hated Great Britain to change the treaty beyond recognition and then defeat the remnant.[2] They refused to arbitrate any question which the United States might later consider to affect its "honor," its "foreign policy," or its "domestic policy." Lest these expansive loopholes should leave a chance for a serious arbitration, it was further voted that no arbitration should proceed until the *compromis*, the detailed agreement whereby every special arbitration tribunal is set up, should have been approved by two-thirds of the Senate. That is, the Senate would not agree to arbitrate at all. Instead of promoting arbitration, the Senate impeded it by elevating every *compromis* into a treaty and giving any group of senators the right to try to block it.

Seven years later, a reassertion of this right killed the Hay arbitration treaties of 1904, President Roosevelt declaring that "we had better abandon the whole business rather than give the impression of trickiness and insincerity which would be produced by solemnly promulgating a sham." Roosevelt was, however, persuaded by Secretary Root, in 1908, to yield to the Senate in this respect, a surrender which produced arbitration treaties in name only. The political scene having shifted, Roosevelt became the bitter opponent of the more effective Taft arbitration treaties of 1911, and with the assistance of Senator Lodge, secured such amendment of these treaties in the Senate that President Taft dropped them.[3]

The Senate thus preserved for us inviolate, down to the year 1914, a full-fledged membership in that anarchy of sovereign

[2] Final action was not taken until May 5, 1897, after the McKinley administration had added its endorsement to the treaty.

[3] The attitude of the senators from eight Southern states toward arbitration treaties has been determined largely by the possibility that the repudiation of bonds by their states, issued principally during the "carpet-bag" period and largely held abroad, might be called into question. Cf. C. P. Howland, "Our Repudiated State Debts," *Foreign Affairs*, Vol. 6, pp. 395–407 (Apr., 1928).

nations in which every state retained the right to be the sole judge of its own disputes and to impose its will upon any weaker sovereign. Strange as it now seems, and perhaps must continue to seem for some time, nations whose very existence depended upon the preservation of law within their own borders insisted upon being above all law themselves.

In this situation it was inevitable that no nation having strong neighbors could feel secure. The most powerful of peoples, living at the center of our Western civilization, drew together in two rival alliances and armed incessantly to keep the balance of power from tipping against them. Both could not succeed, but they created a situation in which it was impossible to restrain the military machines whenever any one of the Great Powers felt itself seriously offended. Once the Austrian cabinet had decided to dispose of Serbia, in July, 1914, it was not even possible to secure a conference of statesmen in the hope of keeping 350,000,000 people from flying at each other's throats.

II

Before other hundreds of millions were drawn into the struggle that resulted, the American people contemplated it in all soberness and saw with clearness the plain lesson that it taught. The active, pugnacious mind of Theodore Roosevelt reaffirmed with vigor the conclusion he had reached years before—that the forces of the peaceably inclined nations would have to be organized behind the peace. The calm, judicial mind of William H. Taft wrestled with the issue through many weeks and arrived at a like decision. The rigidly disciplined mentality of Woodrow Wilson came early to the same conclusion, although it was two years before he stated the fact publicly. The cold, cautious intellect of Henry Cabot Lodge saw no other way for the peace to be kept, and said so. Whereas Roosevelt had given us the plain and prophetic choice of "Utopia or Hell," Lodge affirmed flatly that the problem could be solved in no other way, and added, "not failure, but low aim is crime."

No crime could have been greater than for the statesmen in power to fail to organize the nations against war at the close of the tragedy of 1914–18. The leaders of the great nations might be forgiven for drifting once into disaster, but no defense before history could have been found had they failed to make an effort to

prevent its repetition. Neither is it to be doubted that the memory of President Wilson would have been execrated by posterity, as well as by his contemporaries, had he failed to make a supreme effort to create a federation of nations before the opportunity slipped by. The federation which he achieved was in most respects weaker than those Articles of Confederation which broke down before our present federal Constitution was adopted, but it did contain the minimum obligation to take some common action against any nation which disrupts the peace.

Without that essential provision, no effective international organization was possible; yet the League of Nations was at once assailed in the United States Senate as a dangerous super-state. Before a line of the League Covenant had been written, the prospective leaders of the Senate agreed that whatever was adopted should be attacked with reservations which would in time emasculate it. Time was necessary. Senator Lodge has recorded in his last book, *The Senate and the League of Nations*, that the leaders of American public opinion of every kind were so strongly for the League Covenant that a frontal attack on it was impossible.[4] It was, therefore, whittled away by degrees in a war of attrition that lasted two full years, during which the country resounded with debates as to whether this phrase or another was the proper one to qualify this clause or that sentence. To foreign observers, it must have seemed that the very fate of the American Republic depended on one shade or another being given to some disputed words; yet the world listened in amazement throughout the long debate without a single nation making the fears expressed here its own. By November, 1920, forty-two nations had entered the League.

The repudiation of the League by the strongest power that had ever existed did not destroy it at its birth, as all Americans expected, but it inevitably and decisively weakened its authority from the start. With the United States refusing any responsibility for the peace, standing upon its unrestricted right to trade with belligerent nations, and demanding a navy second to none, any strong restraining action upon a nation which insisted upon breaking the peace became quite unlikely—a fact which was duly noted in Tokyo, and by a dozen new, weak, and dismembered nations in Europe, created largely by the force of our arms.

[4] Pp. 147–148. See also the testimony of George Harvey in *Henry Clay Frick, the Man* (N. Y., 1928), p. 325.

Our abstention from the League left us also engaged in an armament race with the navies of the Anglo-Japanese Alliance, which we might win only at prohibitive cost. To stop this drain, the Senate directed the Executive to call those nations to Washington. They were summoned, the Anglo-Japanese Alliance was broken, and the competitive building of battleships was stopped. But in achieving this result we gave Japan undisputed control of the Orient, without contributing anything whatever to the restraints which the League of Nations might place upon the ambitions of the Japanese militarists.

III

While the world was being told by the United States to start down the steep incline again, if it liked, Secretary Hughes defied the dictum of senators that it made no difference who was Secretary of State by proposing that we join the World Court. Temerity indeed! But if Mr. Hughes accomplished nothing else, he gave the Senate the opportunity to do two things. It rose to its full height and gave a supreme demonstration of its reservation-making art, and, at the same time, achieved the ultimate in proclaiming its refusal to accept any method for settling disputes other than that which had just resulted in the death of ten million men and had torn the fabric of world civilization almost beyond repair.

After three years of refusal to notice the proposal to adhere to the World Court, the Senate finally considered the already numerous reservations which Secretary Hughes had prudently prepared and proceeded to smother caution with super-caution. First it was proposed that the United States refuse to be bound by any advisory opinion of the Court, unless we had joined in asking for it. But after senators had heard some rumors, this was not enough. It was then gravely decreed that the Court should not *give*, without our consent, any advisory opinion in which the United States either had or *claimed* an interest.

Future generations of Americans may well discover with amazement that in only one country in the world was an issue made of accepting membership in the World Court. What must their chagrin be when they learn why American senators kept their country out of the Court during its formative period, when every broad consideration required the establishment of its influence! Was it because the Court had the power to compel us to send to it

every dispute, trivial or vital, that we might become involved in? No, it was not that. We might have belonged to the Court indefinitely without submitting a single case to it. The alleged purpose of our decade of abstention has been to forbid the Court so much as to consider, without our consent, any question in which the United States either has or *claims* an interest. What a supreme assertion of the right to be our own judge in the remotest contingency! No possibility of the Court delivering a judgment against us that we had not joined in asking for has ever been alleged—only the chance that, if the Court reversed its carefully adopted policy, we might sometime be displeased by an advisory opinion that would be binding upon nobody.

Strangely enough, also, in all the recorded Senate debates, only one senator, Mr. Bruce of Maryland, ever warned that terms of such highly suspicious coöperation might not be accepted by the other powers with alacrity. The general assumption was that they would swallow anything "to get us in." The forty-eight nations belonging to the Court were therefore invited, in forty-eight separate notes, to send in their acceptances of the Senate's conditions. It cannot be recorded that they stampeded to do so. The Senate had finally acted in January, 1926. Two years later, five of the members of the Court had accepted its terms unconditionally. They were: Cuba, Greece, Liberia, Albania, and Luxembourg. Six important states, including Canada and Brazil, did not reply at all, and sixteen merely acknowledged receipt of the Senate's grudging offer, without saying what they thought of it. It is important to remember that the positive acceptance of the Senate's terms by every one of the forty-eight members of the Court was necessary.

Recognizing the impasse existing, twenty-two of the League states held a conference to try to find a way out, without improving very much the feeling of injured dignity on this side. This conference actually had the temerity to accept the Senate's reservations *with reservations*—an action so astounding that we are still attempting to convince the Senate that it actually did not happen. But mediations and formulas and the promptings of an all but universal public opinion, voiced in every conceivable manner, have not produced the desired result.

Yet, in all reason, why should any other reaction to the Senate's condescension have been expected? The shock had not been suf-

fered before simply because the Senate's reservations to a great multilateral treaty had never got outside of the country. One has only to consider the situation which would arise from half a dozen or half a hundred parliaments trying to attach reservations to a treaty, many of them conflicting. And if one parliament can tinker with a multi-party treaty, all can. Fortunately, other legislative bodies have not adopted widely the Senate's custom of subjecting treaties to legislative routine. If they should do so, the adjustment of vital international issues, increasingly complex and requiring the agreement of many peoples, would be brought to a standstill. The legislative alteration of multilateral treaties is a game that only one parliament can play, or at most a small number, unless a paralyzing series of conferences is to be called to consider the reservations and amendments proposed by the various parliaments.

IV

Following the World Court fiasco, what could any secretary of state do to signify to the other peoples that a large minority of thoughtful Americans were deeply restless and uneasy under a policy of inert drifting toward whatever cataclysmic clash of supreme national wills an undermined League of Nations might not be able to prevent? But one conceivable attempt remained to be made—to try to persuade all the nations to sign a pledge to be as good as our Senate conceived us to be. A precedent for such a final effort existed. Under the thunder-cloud of the Great War itself, the Senate had permitted the Bryan commission-of-inquiry treaties to be approved, one hot afternoon in August, 1914, when forty-five senators were absent, including Mr. Lodge, who called the treaties "fatuous." It may be that they were fatuous, since they called for no positive action whatever. But they contained a promise to wait awhile before going to war, a pledge later made almost universal by Article 12 of the League Covenant. Perhaps the nations would now swear not to go to war at all. They did—sixty of them, in the Pact of Paris—that small document in which the fabulously wealthy United States of 1929 proclaimed once more that while it disapproved of war as a method of settling disputes, it would not take the slightest step toward establishing and enforcing other means of adjusting international frictions.

V

Thus repeatedly assured, the Japanese army soon struck in Manchuria. And when the League of Nations failed to restrain

Japan from taking the law into her own hands, the bolt of Germany from Geneva and all its processes was sure to follow. What France and Britain condoned in Asia they could not prevent in Europe.

We thus appear to be back to the law of the jungle in international relations. Every nation that covets its neighbor's lands is now free again to take them; every people must again depend for its existence upon arms and alliances; new balances of power must arise in Europe and in the Pacific, and when one of these balances becomes fairly even, a new deluge must come. There is no help for it; it must happen again. Innumerable legions of the young must die and noncombatants with them. Hate and greed and fear must rule many nations until the new day of reckoning arrives—and long after it. Toleration must be further extinguished while liberty and democracy are taken from some of the peoples which still cling to them. Peoples but yesterday freed from oppression must return to subjection; nations that wish only to live in peace within their own borders must succumb to those which breed for military purposes. New religions for the worship of the State must be set up; social systems themselves must be shattered again and economic systems again destroyed, in order that new maps may be drawn that will create as much injustice as now exists—in all probability more.

If this hopeless cycle is unavoidable, then the United States Senate is justified in lately refusing once more to permit an arbitration treaty to be concluded, even with the nations of Central and South America. On January 19, 1932, after a delay of three years, the Senate nullified the General Treaty of Inter-American Arbitration by reasserting again the right of one-third of the Senate to reject the *compromis* of any proposed arbitration. Having thus emptied the treaty of its force, the Senate then added another reservation excluding any controveries that might arise under pre-existing treaties. This postscript made it certain that the Senate would not be troubled with the scrutiny of proposed arbitration agreements for many years to come—not until a new structure of treaty relations should be slowly created with all Latin America.

If the theory of the totally sovereign state is to rule and ruin the earth long after the agricultural state, in which it was possible to practice it, has disappeared, then an unchanging Senate is to be taken for granted. Likewise the disorganization of world trade

by general wars, and the dislocation of the economic machinery of all industrialized nations for years to come, is to be expected. All that we can do is to convince ourselves that we can avoid military participation in the next struggle, in spite of the fact that we have been drawn into every world war that has occurred since Jamestown was settled—each time more completely against our will. Should we be able to avoid direct participation next time, we shall have to look forward, as in 1815 and in 1919, merely to post-war boom, collapse, vast unemployment, panic, despair, painful reorganization, slow recovery.

Is such a dismal fate inevitably in store for us? No one who has any faith in the evolution of human institutions can believe it. Of the seven world powers, the four greatest have every interest in standing together to prevent the violent disruption of world order. Only the three lesser of the chief powers yearn to subdue and rule other areas and peoples. There is no reason why they should be permitted, either collectively or singly, to put all the other peoples in jeopardy. This is the more clear when the fifty smaller nations, many of which are far from weak, are considered. We may range the globe as we will without discovering more than three or four small states that are bent upon changing their boundaries by force. The great family of nations need not submit to having its peace and prosperity destroyed by a handful of dissatisfied peoples, little or big, and it will not do so indefinitely. Sooner or later, we shall give to a League of Nations and a World Court enough power to adjust national frictions and grievances, even to the extent of determining boundaries in certain inflamed areas.

In a progressively mechanized world, there is no alternative to a federation of nations strong enough to keep the common peace and to administer enough justice to preserve it. It is for those who still think that the destructive phases of our machine civilization can be avoided by any nation acting alone to rejoice in the eclipse of the League of Nations. Universal economic decline has not halted the amazing progress of inventive genius in developing the new weapons of war.[5] We cannot conclude that man will permit the machines which should give him a life of richness and plenty to destroy him by agonizing stages instead.

[5] George W. Gray, "Unceasingly War Forges Deadlier Arms," *New York Times Magazine*, December 10, 1933, pp. 6–7.

Neither can we avoid questioning whether it will ever be possible to secure world stability, or a mitigation of the suicidal economic nationalism which, in the absence of political security, is strangling all the nations, without the strong leadership of the greatest nation of all. It is not a reasonable proposition that in an ever-shrinking, increasingly interdependent world, order can ever be attained without the steady partnership and leadership of its most powerful unit.

It is true that the alternative possibility of attempting to suppress our world trade and resign from world economics, as we have tried to resign from world politics, is in the minds of all of us. It would be supremely comfortable to be able to let world wars go by on one side and global economic depressions on the other, but no one has yet explained how new employment for a large part of the populations of our immense seaports could be found in the interior. Reviving American capitalism, already grasping at foreign trade stimulants, will hardly give up all of its foreign credits and at the same time provide the funds for settling millions of city dwellers on the land, especially when the present supply of farmers already produces a suffocating surplus of everything agricultural —a surplus that would become stifling indeed should our exports of cotton and tobacco, wheat and meat, be subjected to further drastic curtailment.

We have tried "normalcy" as an escape from the disillusionments of war and have drifted from it into an uncharted sea of distress as wide as the earth itself. We have clung to political isolation for a decade and a half after it had irrevocably ceased to exist, only to discover that in a world of agonized nations we have had the melancholy distinction of suffering the most acutely. Yet, amazingly enough, it is still said that to try the other path means becoming involved in international "politics." It does. It means that where matters of world concern are constantly discussed the United States shall be present as a matter of course; it means that when a potential threat of war cannot be prevented from becoming actual, we shall assert our stake in peace in concert with others; it means that we shall have to meet intrigue and trickery and sordid selfishness as we are compelled to meet them habitually in our domestic politics. In a world economically unified, we can no more renounce international politics on the ground that it is unclean than we can dispense with national politics.

VI

For the moment, the majority of the American people undoubtedly approve the Senate's forty-year record of suppressing treaties for the settlement of disputes without war, believing that, after all, such commitments can and should be avoided. It must be recognized, too, that, in the absence of powerful executive leadership, this frame of mind may persist until after the next Armageddon. But whenever we find ourselves ready again strongly to support the executive in setting up alternatives to war, as we did in all the cases considered above, we are quite certain to find ourselves immobilized by that ambiguous clause of the Constitution which says that the President shall "have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur."

In framing this provision, the makers of the Constitution did not intend to set up two independent authorities to contend for control of our foreign policy. On the contrary, they fully intended the Senate to serve as a confidential, executive council to the President. President and Senate were expected to act as a unit, especially in the early stages of treaty-making. But when on the first occasion the Senate rebuffed President Washington and refused to discuss a treaty in his presence, a split of the treaty-making power occurred which grows more serious as the necessity of making important treaties increases. The President has clearly established his right to negotiate treaties and the Senate to act on the completed draft as it sees fit.

Having lost its share of the initiative in treaty-making, the Senate now tries to restore its control over our foreign affairs, in an area of increasingly active world politics, by vetoing every treaty that would increase the President's power and discretion in directing foreign policy. From the viewpoint of the Senate, it is only preserving the right of the people's representatives to prevent the Executive from taking rash steps, even in the effort to promote peaceful settlements. In the view of those who believe that by avoiding leadership in international organization we are inviting a collapse of the white race itself, the Senate has balked our best statesmanship for four decades and is likely to do so indefinitely.

Let us attempt to appraise the situation clearly. No believer in democracy can deny the right of the national legislature to exercise some control over foreign policy; nor can he doubt that such

control makes for international peace and order. Democracies can force reluctant executives to war, but they are incomparably less likely to do so than is a dictator to fire the emotions and imaginations of his youth to the point of striking for power, or vengeance, or profit.

Moreover, in spite of all the ridicule that has been heaped upon open diplomacy, the peoples of our fellow democracies are everywhere searching for some means of checking adventures of their foreign offices that point toward war. In the countries that have the parliamentary form of government, their task is much easier. Recent studies demonstrate that both in Great Britain and throughout the British Dominions the opposition parties are slowly compelling their governments to permit debates on issues of foreign policy and to explain to the country, partially at least, in what direction they are going.[6]

On the Continent, most of the older parliaments have supplemented the normal control of the chamber over the ministers by creating standing parliamentary committees to advise upon, and even to supervise, the conduct of international affairs, especially when parliament is not in session. Norway, Sweden, Denmark, Belgium, Holland, and Czechoslovakia have such committees[7]—six small democracies, incidentally, that will henceforth pursue a precarious existence if the plans of a couple of omnipotent dictators mature. Similar committees existed also in the German and Austrian Republics.

The effectiveness of these bodies has varied, but in all of the countries here considered they have contributed toward a unified foreign policy. The parliamentary system, of course, favors such a result. The members of these committees have an identity of interest with the cabinet. They stand or fall together. The cabinet enjoys no absolute security of tenure, as does our President, and the parliamentary committee is not, like the Senate foreign relations committee, made independent of the Executive by long, fixed terms and election from one-party states.

This fundamental difference makes the creation of a workable

[6] Eugene P. Chase, "Parliamentary Control of Foreign Policy in Great Britain," in this REVIEW, Vol. 25, pp. 861–880 (Nov., 1931); A. Gordon Dewey, "Parliamentary Control of External Relations in the British Dominions," *ibid.*, Vol. 25, pp. 285–310 (May, 1931).

[7] A. J. Zurcher, *The Experiment with Democracy in Central Europe* (N. Y., 1933), pp. 206–217.

and sympathetic relationship between our legislature and executive in determining foreign policies immensely more difficult, but correspondingly imperative. If we are fortunate enough to get a secretary of state who is both an experienced and astute politician and a statesman, and if we happen to secure a president who has the same rare combination of qualities, the coöperation of the Senate foreign relations committee is very likely to be secured—until the close of the President's term, when patronage and other grievances incidental to the rule of a strong executive have accumulated.

The last two years of the tenure of any Administration, moreover, stand a good chance of being played out with the foreign relations committee in the hands of the opposite party. Especially when senators who have resented their exclusion from power, who hate the President and burn with desire to supplant him with one of their own kind, find themselves again in control of the Senate, nothing can prevent any constructive treaties which he may propose from being torn to pieces. The position of partisan Senate leaders is made impregnable by the fact that on September 7, 1787, one or two men in the Constitutional Convention swung the decision in favor of two-thirds-majority action on treaties.

The number of peace treaties rejected by a minority of the senators present has not been large, but the shadow of the minority that can frustrate every proposal hangs over each attempted agreement from its birth. It even prevents desirable treaties from being conceived. It now makes even a strong president extremely reluctant to approach the Senate. It compels him to rely upon executive agreements and quiet understandings, thus driving our diplomacy underground. To quote the informed appraisal of D. C. Poole: "Most of the cramping effect of the present constitutional arrangement upon our international conduct arises from mere apprehension on the part of the Executive—from the brooding sense of irrational restraint which settles upon the minds of successive Secretaries."[8] In a world of nations that are patently groping toward organization or extinction, the lot of a secretary of state who can do little but read Washington's Farewell Address is not to be envied. No statesmanship need be expected from any foreign secretary who must tip-toe about in mortal dread of the thunders of any popular senatorial censor.

[8] "Coöperation Abroad through Organization at Home," *Annals of Amer. Acad.*, Vol. 156, pp. 136–137 (July, 1931).

VII

If perchance a treaty for the regulation of important international frictions, political or economic, is ventured, it is not alone the one-third who can defeat a treaty outright that is to be feared. Any small band of senators can so alarm the friends of the compact in the Senate that reservations and amendments will begin to be conceded by simple majority votes, in the hope of preventing a handful of objectors from weaning away enough timid senators actually to threaten the treaty itself.

Worse than this, the rules and customs of the Senate have so elevated every senator into a sovereign that the Senate is reluctant to overrule any member who is a strong personality. Days will be consumed in trying to mollify him and thus achieve the unanimous consent which is so dear to every gathering of sovereigns. It always tends to seem much the lesser of evils to concede him a reservation than to coerce him by invoking the mild form of closure which makes every senator feel conscious of imperilling his own sovereignty. A galaxy of sovereign senators dealing with a myriad of sovereign nations is indeed a combination ideally fitted to perpetuate the rule of lawless force in world affairs.[9]

There will always be senators who see no reason why a treaty, even a multilateral agreement, should not be submitted to the usual legislative process. The Senate is full of lawyers, and enough of them are always ready to handle a treaty just as they would handle a post-office appropriation bill. Every senator, too, can

[9] Since this paper was written, the Senate has made a very significant concession to the necessities of international agreement. It permitted to become effective, on June 12, 1934, a law giving the President the power to conclude reciprocity tariff treaties, raising or lowering existing duties as much as 50 per cent, and to put them into force without reference to the Senate. Temporarily at least, during a specified period of three years, the Senate has abdicated its right to approve an important class of treaties. If the Administration was to have any real power to attempt a revival of our international trade, such a surprising surrender of authority was indeed imperative. It was vital equally to negotiating with executives having still broader powers over tariffs and to putting the agreements made into force. Throughout our history, but one third of the reciprocity treaties sent to the Senate had been approved by it. No other group of treaties had a higher mortality rate. No other kind of treaty so quickly alarms local interests and makes them vocal in the Senate. The possibility of getting a large number of tariff-bargaining treaties through the Senate was therefore almost non-existent. If such treaties are to be of value, they must make many concessions in rates, concessions that would produce endless obstruction and log-rolling in the Senate. The Senate has recognized frankly that if the tariff was to be revised in the national interest, the Executive would have to do it.

discover details that he believes can be improved upon, and some always begin at once. "The treaty is not perfect, is it?," they demand; and immediately the work of perfecting it begins. Much of this labor of perfection is honest and well-meant, but too often it rests upon the mistaken assumption that every treaty should be the best conceivable bargain for the United States, whereas it can never be more than the best bargain attainable under the circumstances. Other nations are concerned, and where serious matters are to be adjusted, the result can never be perfectly satisfactory to all of the signatories or to every senator.

We need nothing more than—and perhaps nothing is so immediately practical as—the setting up of some new liaison between the Executive and the Senate which will incline the latter's leaders toward urging upon senators the acceptance or rejection of proposed treaties without amendment. Why should senators insist upon withdrawing, by means of reservations, the concessions which made agreement possible between the negotiators? The attempt thus to reopen the negotiations by means of an ultimatum is subversive of any constructive foreign policy. Equal powers of control over foreign affairs by two independent bodies are neither desirable nor possible. Why should the Senate continue to depreciate its true function? "In all our high places, there are few rights of honor or importance equal to that of a United States senator to sit in judgment upon the greatest of contracts proposed for the United States, and to register his decision as to whether its terms are on the whole for the benefit of the nation. We do not undervalue the veto powers of the President or of the Supreme Court. Why should that of the Senate over treaties be considered as anything less than a vast and significant power?" If the fears of small groups of senators must be recorded, they can be set down in "documents not attached to our treaties, as in the committee report on the Paris Peace Pact, or in statements clearly calling for no action on the part of other signers, such as the anti-secrecy declaration in the resolution of consent to the London Naval Treaty."[10]

VIII

What, finally, is to be our attitude toward the power of one-third of the Senate to reject any treaty? Is the Senate so im-

[10] D. F. Fleming, *The United States and the League of Nations, 1918–1920* (New York, 1932), pp. 506–507.

pregnably entrenched that no mitigation of its power over treaties can ever be achieved? The rapidity and the sweeping nature of recent constitutional changes, both at home and abroad, would not argue for the immortality of the Senate's treaty prerogative, especially since it remains a thing unique in all the earth. During 150 years, only one people has ever thought it a reasonable thing to try our plan of giving one-third of one house of the legislature control over treaties. That nation is Liberia.

Few logical reasons can be found for resisting the admission of the House of Representatives to the scrutiny of treaties. Nothing is more likely, either, to induce a change of the Senate's attitude toward treaties than the further growth of the already widespread desire for recognition of the House in treaty-making. If this demand spreads sufficiently, the Senate may at least be led to consent to the approval of treaties by a simple majority vote of its own members.

A situation in which the foreign policy of a great nation is compelled by the obstructive power of one-sixteenth of the national legislature to remain negative must be considered as temporary in a world in which constantly accelerated change is the one certain law of life—a law which will operate still more remorselessly after the next general war than it does today, if that war is permitted to occur.[11]

[11] The newest examination of the results of the treaty-making clause of the Constitution is contained in W. Stull Holt, *Treaties Defeated by the Senate* (Baltimore, 1933). In the concluding paragraph of his study, Mr. Holt characterizes the existing system as one which "produces impotence and friction," and warns that "a deadlock between the President and the Senate over a treaty involving a really critical foreign problem may end in ruin" (p. 307).

# THE POLITICAL PHILOSOPHY OF HENRY ADAMS

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The use of superlatives is always dangerous, but it may be said, with little exaggeration, that Henry Adams was the Aristotle of America. His similarity to the great pupil of Plato, however, lies not so much in his influence upon subsequent thinkers as in the astonishing range of his interests and studies. Probably no other man of recent times has made such an ambitious effort as he to explore the entire realm of human knowledge and to deduce from it some logical answer to the riddle of the universe, with particular reference to the destiny of society. At a time when specialization had become the order of the day, and when it was considered presumptuous for a man to attempt to master more than one tiny segment of knowledge, he ranged the whole field like a titan, concerning himself with history, politics, economics, astronomy, physics, chemistry, mathematics, geology, anthropology, and psychology.

To the casual reader, Adams is known chiefly as the writer of a charming and instructive, though possibly over-rated, autobiographical narrative. To scholars, he is known as an historian of the first rank, as a pioneer in the effort to develop a true science of history, and as the man who introduced the seminar method of teaching history into American universities. To a few, perhaps, he is known as a scientist, novelist, globe-trotter, and student of medieval art and architecture, but for some reason, he remains largely undiscovered, or at least unappreciated, as a political thinker. The popularity of *The Education of Henry Adams* has almost completely overshadowed his historical works, such as *John Randolph*, *The Life of Albert Gallatin*, and his nine-volume *History of the United States during the Administrations of Jefferson and Madison*. His political novel, *Democracy*, which was published anonymously, had been largely forgotten before he was revealed as its author, and his *Tendency of History*, and *The Degradation of the Democratic Dogma*, which contain the best expositions of his theories of history and society, are such tedious reading that they have received relatively little attention.

It may be objected at the outset that Adams was interested in the philosophy of history rather than in political theory. But in

the words of Harold Laski, "a true politics, . . . is above all a philosophy of history."[1] If we are to believe his own account, Adams spent the better part of sixty years puzzling over the political phenomena that came within his range, regarding them in the light of history and science, and trying to fit them into some intelligible scheme of life. For the greater part of this period, he confessed complete bafflement. The facts simply could not be made to fit any tenable theory. But with a passion for unity almost as great as that which inspired the medieval churchmen and the apologists for the Holy Roman Empire,[2] his mind refused to accept chaos as the normal state of affairs in society, no matter how much so it might appear upon the surface. His studies in the sciences had convinced him that there is some degree of order in nature, and he refused to believe that man is wholly independent of natural laws. Near the end of his life, he thought he saw the relationship existing between human society and the physical universe. It was only a tentative theory at best, and a very pessimistic one at that, but it brought all cosmic phenomena into a unified system, and helped to explain the sequence of historical events.

At the risk of over-simplification—a risk inherent in all epitomes—let us recapitulate Adams' philosophy of history, and then examine its political implications. It may be said to take its departure from the second law of thermodynamics, as enunciated by William Thomson (later Lord Kelvin) in 1852, which is as follows: (1) There is at present in the material world a universal tendency to the dissipation of mechanical energy. (2) Any restoration of mechanical energy, without more than an equivalent of dissipation, is impossible in inanimate material processes, and is probably never effected by means of organized matter, either endowed with vegetable life or subjected to the will of an animated creature. (3) Within a finite period of time past, the earth must have been, and within a finite period of time to come, the earth must again be, unfit for the habitation of man as at present constituted, unless operations have been, or are to be, performed which are impossible under the laws to which the known operations going on at present in the material world are subject.[3]

According to this law, the tendency in all creation is toward de-

[1] Inaugural address, *On the Study of Politics*, p. 10.
[2] See his search for unity in *Mont Saint Michel and Chartres*.
[3] *The Tendency of History*, pp. 4–5.

cay or degradation, and Adams marshals his facts from all of the sciences to substantiate his interpretation of it. The sun, as a result of the dissipation of its energy, is constantly cooling and contracting. Consequently, the supply of energy in the solar system is being diminished. The earth, which intercepts only 1/2,300,000,000 of the energy given off by the sun, is in turn dissipating this tiny portion. Our planet is cooling in the higher latitudes, and is slowly but surely losing its fecundity. It produced its most luxurious plant life some millions of years ago, during the carboniferous period, and its most abundant animal life in the same period and the one immediately following. Man was the last known species to appear on the scene, and several other species are known to have become extinct since man made his appearance. Thus, our philosopher concludes that the earth is rapidly approaching senility.

The law of degradation, we are told, is just as applicable to man, or to society as a whole, as it is to the earth itself: "Sooner or later, every apparent exception, whether man or radium, tends to fall within the domain of physics."[4] "Science itself would admit its own failure if it admitted that man, the most important of all its subjects, could not be brought within its range."[5] Again: "All energies which are convertible into heat must suffer degradation; among these, as the physicists expressly insist, are all vital processes."[6] Human thought, as well as the human body, is simply a form of energy—probably a mere condensation of ether; hence it, too, obeys the laws of physics, and shows a constant tendency toward degradation.[7]

Though Adams is hesitant or tentative in stating some of his conclusions, he speaks with the certainty of an inspired prophet when he predicts the doom of all creation, and he believes that he is in accord with the best thought of his time: ". . . The universities have begun again . . . to announce through their astronomers the approaching demise of the solar system; through their geologists, the death of the earth and its occupants; through their physicists, the years still left for suns to shine, and the ultimate destiny of the celestial universe to become atomic dust at −270° centigrade; while their anthropologists point out the rapid exhaustion of the

[4] *Ibid.*, p. 94.
[5] *The Degradation of the Democratic Dogma*, p. 127.
[6] *The Tendency of History*, p. 48.
[7] *Ibid.*, pp. 163–166.

race, and their newspapers day by day proclaim its steady degradation."[8]

Any theory as inclusive as the foregoing would inevitably apply to all political or social institutions, but more especially so in the present case, since Adams regards society as an organism, which, like all living structures, must follow the path of senescence and decay. Indeed, in this connection he asserts that "as an organism, society has always been peculiarly subject to degradation of energy."[9]

In his "Rule of Phase Applied to History,"[10] Adams argues that everything, whether animate or inanimate, material or spiritual, exists in phase. For example, ice, water, and water-vapor are but different phases of the same thing. Just as water will change its phase if sufficiently heated or cooled, so will everything else change under certain conditions. "All is equilibrium more or less unstable." Thus, man and society are constantly changing with the environment in which they exist.

The doctrine of constant change or flux suggests an evolutionary theory, but Adams doggedly refused to accept the current theories of progressive evolution. His doctrine was rather one of evolution in reverse. He repeatedly expressed doubt that man had evolved from a lower to a higher form. To him, the fact that, two thousand years after Alexander the Great and Julius Caesar, a man like Ulysses Grant could represent the highest product of evolution made the idea of progress appear ridiculous.[11] He compares the art, literature, and philosophy of the ancients with those of the moderns, without any advantage to the latter, and he quotes the opinions of medical men and social philosophers to illustrate the mental, moral, and physical decline of the race, even within a single generation.[12]

Perhaps the most interesting, as well as the most fantastic, part of Adams' theory of social development is that in which he likens the course of human thought to the path of a comet which travels in a straight line through space until it approaches the solar system, when, by the operation of the law of gravity, its course is bent toward the sun until it is "captured." The comet passes around the sun, and returns in the direction from which it came. So with the

[8] *Ibid.*, p. 112. [9] *Ibid.*, p. 126. [10] *Ibid.*, Chap. 3.
[11] *The Education of Henry Adams*, p. 226.
[12] *The Tendency of History*, pp. 109–110, 118–119.

human mind. It traveled in an approximately straight line until about 1600 A.D., when it fell under some new and powerful influence which accelerated its motion and deflected its course until it turned and started back in the direction from which it had come. According to Adams' reading of the signs, the mind passed "perihelion" in the latter part of the nineteenth century, and by the opening of the twentieth century, it was definitely retrograde.[13] At another time, he prophesied that a revolutionary acceleration in thought would take place in the year 1917, and that mental activity would reach the limit of its possibilities about 1921, at which time we would pass from the "mechanical" into the "ethereal" phase of existence.[14]

Society, then, according to the view just summarized, is succumbing to the law of degeneration, and its decline and ultimate extinction are as inevitable as fate. Man's inventive ingenuity, his "conquest of nature," far from reversing or staying the process, only hastens it. Every apparent triumph over nature is accompanied by a disproportionate expenditure from nature's store of energy. For example, our progress in mechanical and industrial processes seems likely, in a few centuries at most, to bring about the exhaustion of the earth's available supply of coal, iron, and oil, to mention only a few substances which had required many millions of years for their accumulation. Thus, our so-called civilization has merely accelerated the pace at which we are moving to our ultimate doom.

It would be difficult to show that Henry Adams ever had a complete and coherent theory of government. Certainly his attitude toward contemporary political problems would not indicate any. Of aristocratic family and background, he very early in life embraced the abolitionist cause, which was democratic, at least in some of its implications. In 1848, his father was nominated for the vice-presidency by the Free Soil party, on an anti-slavery platform, and he tells us that the stamp of 1848 was imprinted upon him almost as indelibly as was the stamp of 1776.[15] In 1860, he cast his first presidential ballot for Lincoln, and when his father was appointed minister to England, Henry accompanied him to London in the capacity of private secretary. During his seven

[13] *Ibid.*, pp. 166–167.

[14] Brooks Adams, in a foreword to Henry Adams, *Degradation of the Democratic Dogma*, pp. 114–115.

[15] *The Education of Henry Adams*, p. 25.

year's stay in London, his attitude upon sectional and international questions was precisely what would be expected from one in his position. After his return to America, he supported President Grant in his first campaign, approved Grant's policy of expansion in the West Indies, and was astounded at Sumner's opposition. He was not a consistent imperialist, however, as he was shocked by Sumner's designs on Canada,[16] and he later raged at the part played by England in the Boer War.[17] His approach to political questions was generally ethical rather than narrowly partisan. The Civil War had left him a Republican, but he was so disgusted by the official corruption during Grant's administration, and became so outspoken in his criticism, that he was frequently regarded as a Democrat. Later, however, his intimacy with such Republican leaders as Don Cameron, John Hay, Theodore Roosevelt, and Henry Cabot Lodge seems to have led him back to Republican sympathies, though he was a free-silver man in 1896, and was often very critical of such men as Garfield, Conkling, Blaine, and McKinley.[18]

In spite of his abolitionism and his leanings toward a political party which was dedicated to the principles of democracy, Henry Adams never entertained a very high opinion of the masses, or the "average man." He once remarked that "average human nature is very coarse, and its ideals must necessarily be average. The world never loved perfect poise. What the world does love is commonly absence of poise, for it has to be amused."[19] Granting this premise, the democratic position becomes a difficult one to defend. Upon Grant's election to the presidency, Adams hoped that he would be as strong as an executive as he had been as a soldier, and that he would soon whip Congress into a decent state of submission, and either control that body or govern without it. In other words, he was ready to abandon representative government for a species of presidential dictatorship. He tells us that as a journalist, he "meant to support the executive in attacking the Senate and taking away its two-thirds vote and power of confirmation; nor did he much care how it should be done, for he thought it safer to effect the revolution in 1870 than to wait until 1920."[20]

Adams' attitude toward popular government was exactly what might be expected from an exponent of the doctrine of degradation.

[16] *Ibid.*, p. 275. [17] *Ibid.*, p. 372. [18] *Ibid.*, *passim.*
[19] *Ibid.*, p. 28. [20] *Ibid.*, p. 262.

He regarded American democracy as having exhibited its greatest vigor in the very earliest years of the Republic. With the rise of factions and of conflicting class and sectional interests, democracy had begun its descent. Just as John Quincy Adams had observed its decline under Andrew Jackson, so his grandson noted its continued decline under Grant and his successors.[21] Brooks Adams, in his foreword to *The Degradation of the Democratic Dogma*, summarized the doctrine, which he seems to have shared with Henry, as follows: "Democracy is an infinite mass of conflicting minds and of conflicting interests which, by the persistent action of such a solvent as the modern or competitive system, becomes resolved into what is, in substance, a vapor, which loses in collective intellectual energy in proportion to the perfection of its expansion."[22] He added the gloomy prophesy that the modern world is doomed to sink into "that chaos of democratic mediocrity which Henry likens to the ocean, where waters which have fallen to sea level are engulfed, and can no more do useful work."[23]

By his own contemporaries, Henry Adams was often regarded as a liberal, or even a radical, but, as these terms are commonly used, he was neither. True, as private secretary to his father, American minister to England during and after the Civil War, he conceived a great admiration for Bright and Cobden, the leading English Liberals of the time, but this seems to have sprung largely from the fact that these gentlemen hated slavery, and hence were friendly to the Union cause. In them, he found friendship and sympathy, whereas in most of official and conservative England he found hostility. He was scathing in his denunciation of such men as Jay Gould and Jim Fisk, and was wont to speak disparagingly of the "vested interests."[24] This, however, does not indicate proletarian sympathies as much as it does a simple sense of decency, outraged at the methods by which some of the great fortunes were being made. He detested snobbishness and aristocratic pretensions, and he tells us that he and his family were always out of harmony with State Street, or the reigning aristocracy in Massachusetts. But he remained something of an aristocrat to the last. He repeatedly asserts that he was a product of the seventeenth century rather than of the nineteenth, and his criticism of the moneyed interests of his

[21] Brooks Adams, Foreword, pp. 104–108.
[22] *Ibid.*, p. 109.
[23] *Ibid.*, p. 116.
[24] See *Chapters of Erie*, by Brooks and Henry Adams.

time has some of the flavor of the contempt of the old aristocracy for the new industrial or "money-grubbing" aristocracy.

It is not easy to classify Adams' theories in terms familiar to students of political philosophy, but some of their implications are fairly apparent. That he held society to be ultimately controlled by mechanical or physical laws, that he believed in the organic nature of society, that his approach to contemporary politics was essentially ethical, and that he was not an enthusiast for democracy have, it is hoped, been made clear. Above all, however, his doctrine of degradation, in so far as practical questions of government and politics are concerned, must be characterized as futilitarian. If democracy has decayed, it is because decay is inherent in the nature of things. By the same logic, aristocracy, or any other system, for that matter, would be no better, since it must follow, and presumably has followed, substantially the same course. If the destiny of society is unalterably fixed, then all political and social systems are utterly futile in the end. No theologian ever arrived at a more positive theory of predestination than this.

It is not difficult to detect most of the influences that combined to shape Adams' views. Given his seventeenth-century puritan-aristocratic background, he would not be very likely to have a high regard for democracy. He could never forget what a democratic electorate had done to the House of Adams, as, for example, when it repudiated his great-grandfather for the radical Jefferson, and when it turned from his grandfather to Andrew Jackson, the idol of the mob, the spoilsman, and, in the eyes of the Adamses, the uncouth frontiersman incarnate. He was speaking of the perfect poise of his father when he reflected that average human nature is very coarse, and does not appreciate poise. It is not unreasonable to suspect that there is something personal about all this. It seems more than a coincidence that he regards American democracy as having been most vigorous in the days of his most illustrious ancestors, and that its decay coincides with the descent of his family—descent from presidents and vice-presidents to ministers and congressmen, to unsuccessful vice-presidential candidates, and finally to Henry himself, who was never offered any office or nomination to office. In other words, democracy had reached a point at which it could not use an Adams, or a point at which an Adams could not serve it without demeaning himself and his principles. Possibly, too, it is more than a coincidence that human thought seemed to him

to reach "perihelion" at the moment when he was in his greatest vigor, and that it began its decay at about the same time that he became conscious of his own approaching senility. It may be, too, that he retained a vestige of the Puritan horror of innovation, or that he, in common with the old men of every generation, became alarmed at the social tendencies about him, and regarded all change as retrogression from some primitive ideal state. Perhaps, unconsciously, he was using the language and method of modern learning to defend beliefs that were ancient and traditional.

Adams was forever seeking "unity in multiplicity."[25] Although current politics was chaotic in the extreme, he could not believe chaos to be the permanent order of things. "The sum of political life was, or should have been, the attainment of a working political system. Society needed to reach it. If moral standards broke down, and machinery stopped working, new morals and machinery of some sort had to be invented. An eternity of Grants, or even of Garfields or Conklings or Jay Goulds, refused to be conceived as possible."[26] His education, which seems to have been a life-long attempt to see and understand the relationship between man and the universe, was such as to leave him a trifle cynical. He tells us that "the selfishness of politics was the earliest of all political education."[27] In the Machiavellian policies of the European courts and the corruption and partisanship in American politics, he saw little warrant for optimism as to the future. In wars, intrigues, and bungling diplomacy, he could see little to indicate an intelligent control of society by human beings. It seemed, rather, to be driven by blind impulses, or by forces external to itself. Thus he felt compelled to go outside of society in his quest for an explanation of social phenomena.

If it had not been for his predilection for science and his bent toward secular philosophy, it is probable that Henry Adams would have returned to the theology of his ancestors, as his grandfather had done late in life, and sought his explanations in a divine will that surpasseth human understanding. As it was, he turned to the natural sciences, which is not surprising. In the course of his long, life (1838–1918), the sciences made astonishing progress, and his studies at Harvard College, in Berlin, and later all over the world

[25] *Mont Saint Michel and Chartres, passim.*
[26] *The Education of Henry Adams*, p. 281.
[27] *Ibid.*, p. 279.

acquainted him with the latest scientific discoveries. Buckle's *History*, with its emphasis upon the influence of environmental factors on history, appeared while Adams was an undergraduate, and Darwin's *Origin of Species* was published the year of his graduation. In London, he met Sir Charles Lyell, the geologist, and he even undertook to popularize Sir Charles' work in the United States. The second law of thermodynamics, upon which he later came to base his system, was still new when he first began to speculate upon the tendency of history. Since the sciences were clearing up more puzzling questions than any other branch of knowledge, it was not unnatural for him to turn to them for his answers.

It is possible that Henry was influenced by his brother, Brooks Adams. The two collaborated in writing *Chapters of Erie*, and seem always to have read and criticised each other's manuscripts. Indeed, it is sometimes difficult to say which one of them first expounded a given theory. Brooks, in his *Law of Civilization and Decay*, assumed that "the law of force and energy is of universal application in nature, and that animal life is one of the outlets through which solar energy is dissipated."[28] He agreed that society, or civilization, is on the down-grade, and observed that social phenomena seem to follow laws which regulate the material universe,[29] yet his approach seemed to be through economics rather than through science. To him, the decline was to be explained by economic factors operating within society. Henry, on the other hand, regarded these economic factors as mere symptoms or accompaniments of the decline, themselves the results of the universal tendency in nature. Thus he substituted a physical for an economic determinism.

A thorough and detailed criticism of Adams' philosophy of history would require the efforts of one who combines the attributes of historian, philosopher, and scientist. Some objections, however, are obvious. His inconsistency, if we consider all his writings, is readily apparent. It is certainly futile, if not inconsistent, to rail against a tendency in society while proclaiming its inevitability. He repeatedly denies that man and society have evolved upward, but just as repeatedly assumes that they have so evolved. His favorite method of criticising U. S. Grant is to say that he was "archaic," or "pre-intellectual,"[30] thus suggesting

[28] Preface, pp. viii–ix.

[29] *Ibid.*, p. viii.

[30] *The Education of Henry Adams*, Chap. 17.

that man in general has advanced from a pre-intellectual to an intellectual plane. Again, he says: "The leap of nature from the phase of instinct to the phase of thought was so immense as to impress itself on every imagination."[31] His analogy of the comet, in which he says that human thought reached "perihelion" in the latter part of the nineteenth century, really assumed that thought had advanced, and at a giddy rate of speed, for nearly three centuries.

It might well be argued that Adams did not select his scientific data impartially, or at least that he did not use them impartially. He seems to assume that the cooling of the earth in the higher latitudes has been a constant factor from the beginning of time, whereas we know that parts of the earth which were formerly under the polar ice cap now have relatively moderate climates. With all his insistence that society is organic, it apparently did not occur to him to liken it to the individual man, who is born weak and helpless, grows to strength and maturity, then declines and finally passes off the stage, but, before going, has begotten offspring that go through the same cycle. He seemingly assumed, in every case, a straight-line development—that the process of growing senile begins at birth rather than in middle age. He gave little heed to the rise and fall of races, nations, and civilizations, phenomena that suggest a cyclical or fluctuating development of society rather than a steady decline or decay. If everything does exist in phase, does it follow that every change of phase must be in the same direction? In the example given—that of ice, water, and water-vapor—we know that the change of phase may be reversed or repeated. If this rule applies to history, why may not social phases be repeated in like manner? If human thought really has traveled in an orbit similar to that of a comet, must we assume that, once it has passed "perihelion," it is doomed to eternal retrogression? What is to prevent it from returning periodically, as some comets are known to do?

In the present imperfect state of the science of psychology, we are unable to say positively whether the human mind can be expressed in purely physical terms, or whether human thought can be regarded as just so much energy. It is, to say the least, an open question. Certainly it would be difficult to show that thought passed "perihelion" in the nineteenth century, or even in the

[31] *The Tendency of History*, p. 166.

twentieth. Mechanical progress, at any rate, seems to be continuing unabated, though it may be questioned how long this progress can continue.

Granting that the sun is dissipating its energy, those who speculate upon this matter now tell us that it will be some millions of years before this would appreciably alter physical conditions on earth. Thus, Adams' theory really assumes that society is decaying for some reason other than the mere dissipation of physical energy and the consequent alteration of man's environment. In other words, the tremendous acceleration which he has noted does not seem wholly explainable in terms of the second law of thermodynamics.

Finally, Adams seems to make a one-sided use of science. While using it to explain and support his theories, he gives it little credit for its ability to find new sources of energy to supplant coal and oil, should they be exhausted, or its ability to counteract the very tendencies which he observes. He made much of the increase of certain diseases and the rising death-rate in his generation, both of which tendencies have been reversed, at least in most Western countries, through the advancement of science.

One need not agree with all of Adams' views in order to recognize his greatness and appreciate the services which he performed for the social studies. When all is said in criticism, we must respect his efforts to make a science of history, and should ponder well his assertion that human society is very closely attuned to nature. The doctrine that the destiny of man is to be found in the laws that govern the material world, whether true or false, will merit more study than has been given it, and quite probably the approach should be through the physical sciences. If the world ever needed a second Aristotle, one to effect a synthesis of all knowledge, and to interpret society in the light of all available information, it needs one now. The task may be an impossible one. Probably it is beyond the powers of any one man or group of men, but Henry Adams deserves recognition as an intrepid pioneer in the attempt.

# STATE CONSTITUTIONAL LAW IN 1933–34[1]

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More than ten years ago, the Earl of Birkenhead, former Lord Chancellor of Great Britain, speaking before the American Bar Association, expressed the belief that it was a question for the future to determine whether the barriers which the framers of the constitutions placed upon the complete freedom of legislative assemblies in the United States will prove equal to the emergencies as they arise and will be as adaptable to the stress and strain of political exigencies as the more flexible and more democratic arrangements of the British constitution. "Your constitution," he remarked, "is expressed and defined in documents which can be pronounced upon by the Supreme Court. In this sense, your judges are the masters of your executive. Your constitution is a cast-iron document. It falls to be construed by the Supreme Court with the same sense of easy and admitted mastery as any ordinary contract. This circumstance provides a breakwater of enormous value against ill-considered and revolutionary changes." On the other hand, so far as England is concerned, the genius of the Anglo-Saxon people has, rightly or wrongly, refused to shackle in the slightest degree the constitutional competence of later generations. Any law of Great Britain can be altered by Parliament and no court may challenge the constitutional force of an act of Parliament. It is on the whole premature, thought Lord Birkenhead, to decide whether you or we have been right.[2]

The attempts to meet the conditions resulting from the severe and long drawn out depression through which the country is passing raise anew the problem of the efficacy and the appropriateness of constitutional limitations. Though the courts as the authoritative interpreters of these limitations during the current year have passed on the usual types of issues relating to the separation and delegation of powers,[3] the protection of civil and political rights, the correspondence of the content of legislative acts with their titles, and controversies concerning administrative regulation, decisions on these issues are of minor significance in comparison

[1] I am indebted to Edward Walther, research assistant in political science, for much of the preliminary work necessary for the selection of cases to be considered in this article.

[2] Earl of Birkenhead, "Development of the British Constitution in the Last Fifty Years," 9 *Amer. Bar Assoc. Jour.* (Sept., 1923), 578.

[3] Delegations of power were declared illegal in Wylie v. Phoenix Assur. Co. 22 P. (2d) 845 (June, 1933, Ariz.); Sterling Refining Co. v. Walker 25 P. (2d) 312 (Aug., 1933, Okla.); Sclureson v. Walsh, 187 N.E. 921 (Oct., 1933, Ill.); and Goodlove v. Logan 251 N.W. 39 (Nov., 1933, Ia.).

with the efforts to reconcile the extraordinary features of much of the emergency legislation enacted in recent legislative sessions with the express and implied restrictions of the state constitutions. To state constitutional law as it is evolving in the midst of economic and social distress, prime consideration will be given in this analysis.

Among the emergency measures which have called forth judicial pronouncements during the year, the most important are the moratorium acts and the income or sales tax provisions.

### I. REVIEW OF MORTGAGE MORATORIUM ACTS

The supreme court of Minnesota rendered one of the first opinions on a mortgage moratorium law. The act, passed as an emergency measure, with its provisions not to be extended beyond May 1, 1935, authorized the extension of the period of redemption from mortgage foreclosure for such time as the district court might deem just and equitable, with provisos that the extension was to be made upon application to the court on notice for an order determining the reasonable value of the income from the property involved in the sale, or, if it had no income, then reasonable rental value, and that the mortgagor pay a reasonable part of such income or rental value toward the payment of taxes, insurance, interest, and mortgage indebtedness.

Facing the situation in which the appellants conceded that the state law impaired the obligation of contracts and the respondents agreed that under the police power the state may impair the obligation of contracts, the court, following the reasoning of Judge Pound of New York, maintained that the state may establish regulations reasonably necessary to secure the general welfare of the community by the exercise of the police power, although the rights of property are thereby curtailed and the freedom of contract is abridged.[4] Emergency laws were held applicable to times of peace, and whether a public emergency existed was declared to be a question for the legislature to determine, though the judges could also be guided by common knowledge.[5] By a five to four decision, the Supreme Court of the United States affirmed the decision of the supreme court of Minnesota.[6]

About the same time, the supreme court of North Dakota invalidated a statute shortening or extending the period of redemption from real estate mortgage foreclosure sales as an impairment of the obligation of contracts.[7] The well-known rule that laws which subsist at the time and

[4] People v. La Fetra, 230 N.Y. 429, 442 (1921).

[5] Blaisdell v. Home Building and Loan Association, 249 N.W. 334 (July, 1933).

[6] Home Building and Loan Association v. Blaisdell, 290 U.S. 398 (1934). See note on "Home Building and Loan Case," with comment on the probable validity of California's deficiency judgment stay law, civil code section 2924 1/2, 22 *Calif. Law Rev.* (March, 1934), 350.

[7] State v. Klein, 249 N.W. 118 (June, 1933).

place of making the contract enter into and form a part of the contract, and that the statutory period of redemption comes within the rule in accordance with federal Supreme Court decisions,[8] was held to require the condemnation of the state law. A unanimous court could see no ground for warping the constitutional mold so as to fit emergency conditions. To close off arguments to the contrary, the dictum of Justice Davis was quoted that "no doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of the provisions of the Constitution can be suspended during any of the great exigencies of government."[9] It was then concluded that, "so long as the people of this state and the people of the United States say in their fundamental laws that this state shall not under any circumstances or at any time pass any law impairing the obligations of a contract, just so long must the courts follow the expressed will of the people."

Supreme courts in other states found it necessary to reconcile moratorium statutes with some troublesome constitutional formulae, but most of the decisions were reached after the federal Supreme Court had placed the stamp of approval on the Minnesota law. Differences of opinion among the state justices usually relate to the strict or liberal interpretation of the police power with respect to the relaxation of constitutional restrictions and to the consideration of variations from the type of statute enacted by Minnesota.

The majority of the supreme court of Oklahoma held a part of a moratorium act void with the observation that this court should not be swayed by public sentiment to alter, modify, or repeal any provision of the constitution. Three dissenting justices were impressed by the emergency character of the legislation and by the fact that the court during the period of postponement could require the payment of accruing interest and taxes and a reasonable rental as well as prevent waste or willful destruction of the property. To stay the hand of the unforbearing creditor and to require him by law to yield his contractual rights for a limited time in favor of the distressed owner of mortgaged property, in their opinion was in the interest of the general welfare, and in times of stress and storm the general welfare must be paramount to the private rights of the individual.[10]

On a rehearing, the majority again supported its former conclusions and suggested that the remedy to correct the present undesirable situa-

[8] Citing especially Howard v. Bugbee, 24 How. 461 (1860).

[9] Ex parte Milligan, 4 Wall. 2, 121 (1866).

[10] State v. Worten, 29 P. (2d) 1 (Oct., 1933). See also Life Insurance of Virginia v. Sanders, 62 S. W. (2d) 348, and Murphy v. Phillips, 63 S.W. (2d) 404 (Sept., 1933), in which a Texas court of civil appeals held void a six months' stay of foreclosure sales. For a consideration of these cases and other decisions on the Texas statute, see Leroy Jeffers, "The Texas Moratorium Law," 12 *Texas Law Rev.* (June, 1934), 383.

tion was to secure an amendment to the state constitution. During the course of the rehearing, the decision of the Supreme Court of the United States in the Minnesota case became known. The general result of a variety of opinions on the part of the justices was stated to be that, first, all members of the court agree that the provision of Section 1 of the act postponing all actions now pending in the courts for nine months is void; second, the majority condemn the remainder of Section 1 on the ground that the Oklahoma law grants flat or fixed extensions of time and does not, as the Minnesota act, place authority to grant extensions in the trial judge after a hearing, but uphold tentatively Sections 2 and 3 vesting in district courts power to grant continuances; third, the minority insisted that the entire act should be upheld on the ground that in effect similar ends were to be secured to those which were judicially approved in Minnesota.

Influenced no doubt by the reasoning in the Minnesota case, the Iowa supreme court sustained a moratorium act. Citing the language of Chief Justice Hughes in the Home Building and Loan Case that the police power "is an exercise of the sovereign right of the government to protect the lives, health, morals, comfort, and general welfare of the people, and is paramount to any rights under contracts between individuals," the majority of the court admitted that the act amounts to an impairment of the obligation of the mortgage contract and that in a certain sense there is a violation of the federal and state constitutional restrictions. Nevertheless they held the act valid; substantially, it was claimed, the Minnesota and Iowa acts are similar. With a division of opinion like that manifested in the Minnesota case, five justices joined in the majority opinion and four dissented. To the dissenters, the chief objection to the Iowa act was that it made no provision for the payment of anything to the mortgage purchaser. There can be no suspension of the rights under the mortgage contract unless reasonable compensation is assured to the mortgagee. The idea that there is a reserve power in the people to provide for the general welfare is declared not only unsound but extremely dangerous. Emergency, these justices insisted, cannot enable the assembly to pass laws which the constitution forbids.[11]

Declaring that an Arkansas act was similar to the Minnesota law, the state supreme court held that the law did not in effect impair the obliga-

[11] Des Moines Joint Stock and Land Bank v. Nordholm, 253 N.W. 701 (April, 1934). See Russell v. Battle Creek Lumber Co., 252 N.W. 561 (Jan., 1934), holding valid in a per curiam opinion a Michigan moratorium law on the ground that the pertinent constitutional provisions are similar to those of Minnesota and the reasoning of the Home Building and Loan Case was applicable. With two justices dissenting, the Arkansas supreme court declared void a statute prohibiting deficiency judgments in mortgage foreclosure proceedings as involving an impairment of the obligation of contracts. Adams v. Spillyards, 61 S.W. (2d) 686 (June, 1933).

tion of contracts. Though the act does not provide for payment to the mortgagee of rents and profits accruing from the property during the pendency of the suit, this right, it was claimed, may be invoked under previous legislation. The legislature is considered primarily the judge as to when it becomes necessary to exercise the sovereign right of the state for the protection of the people. Since the Arkansas law was permanent, whereas the Minnesota law was temporary, and since no rents or profits were assured to the mortgagee during the two years' delay, Justices Smith and McHaney dissented.[12]

Perhaps the only remedy under existing constitutional provisions and consequent judicial constructions in certain states may be that suggested by the supreme court of Wisconsin that "in the light of the present emergency, and because of the present inadequacy of a judicial sale to establish a fair value for the security," a court of equity has power without the aid of a special statute to relieve mortgage debtors of liability upon deficiency decrees.[13]

There is implicit in the reasoning of these cases a conflict between what is ordinarily termed mechanical jurisprudence, to the effect that constitutional phrases and the fundamental principles which they are presumed to sanction must not be frittered away by legislative action or judicial interpretation. Amendment of the constitution is the only way to sanction emergency action. Constitutional principles, like dogmas of the common law are conceived as part of the universal order, and as such unchangeable. To others, constitutional phrases, as other terms in the law, should conform to the exigencies of time and place. Justice Stone, dissenting in the Minnesota moratorium case, expressed a view to which many justices subscribe, namely, recognizing that constitutions must change; "they express some principles which promise to be the ultimate concepts for the restraint of government in the interests of the governed."

Speaking of the diverse views of the justices in considering the validity of moratorium laws, Mr. Feller notes that "the legal armory is plentifully furnished with precedents either for or against the constitutionality of such legislation. In the last analysis, the choice to be made among many conflicting precedents and principles will depend upon the sensitiveness of the court to the dangers threatening the general economic structure."[14]

[12] Sewer Improvement Dist. No. 1 v. Delinquent Lands 68 S.W. (2d) 80 (Feb., 1934). The section of the act held void in Adams v. Spillyards, *supra*, that in any foreclosure in which real estate is involved, the real estate securing the loan sought to be foreclosed shall be considered to be the value of the loan made irrespective of the amount which may be realized from the sale of such real property, was held markedly different from the one before the court.

[13] Suring State Bank v. Giese, 246 N.W. 556 (Feb., 1933).

[14] A. H. Feller, "Moratory Legislation: A Comparative Study," 46 *Harv. Law Rev.* (May, 1933), 1080. For a tabular analysis of moratory legislation in the

## II. REVIEW OF STATE LAWS FOR RAISING REVENUE

More difficult constitutional issues have arisen in the rather frantic efforts of state legislatures to repair the inroads on state revenues caused by the depression.[15] Differences in the attitude of judges toward constitutional restrictions are manifested in the decisions on income tax laws. An income tax act adopted through the initiative in the state of Washington was held void. Income was declared to be property within the uniformity section of the constitution, and hence a graduated income tax was deemed impossible. An amendment in 1930 defined property as everything, whether tangible or intangible, subject to ownership. In view of this provision, the majority of the court thought decisions in other states could have no bearing on the case. Referring to the deplorable financial condition of the state, the justices thought it "better that we suffer the inconvenience of the present loss of such revenues than that we disregard the emphatic restriction of the constitution for the sake of temporary relief."

Following the reasoning of the Idaho case,[16] four dissenting justices regarded the tax as an excise since it operated entirely *in personam*; it required the taxpayer to act; it charged him, not his property. The majority opinion was scored on the ground that the disagreement of courts and judges gives ample proof of a reasonable doubt—and all justices agree that if reasonable doubt exists statutes are not to be invalidated. The dissenters cannot believe that by the enactment of the Fourteenth Amendment or the uniformity provision of the state constitution the people have rendered themselves impotent to adopt an income tax.[17]

An attempt to impose a graduated tax on incomes in Montana was considered favorably by the state supreme court, which held that it did not violate the uniformity clause of the constitution nor the equal protection clause of the Fourteenth Amendment. A special tax commission had recommended the enactment of an income tax, and in sustaining the tax the majority of the court regarded as controlling the reasoning of the Idaho court that the tax was an excise. "We satisfy ourselves," they said, "by saying that there are reasons why such a tax might be classed as a property tax, and reasons why it should be classed as an excise tax." The exemption of the income from corporations was defended on the ground

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United States, see *ibid.*, pp. 1081 ff. Cf. also comments on recent legislation for the relief of mortgage debtors, 42 *Yale Law Jour.* (June, 1933), 1236.

[15] Cf. "The Search for New Sources of Revenue," 47 *Harv. Law Rev.* (Jan., 1934), 503.

[16] Diefendorf v. Gallet, 10 P. (2d) 307 (1932). See also Ludlow-Saylor Wire Co. v. Wollbrinck, 205 S.W. 196 (1918).

[17] Culliton v. Chase, 25 P. (2d) 81 (Sept., 1933). During the last three years, thirteen states have adopted income tax levies. See 47 *Harv. Law Rev.*, 503.

that a major portion of the earnings of corporations are distributed as dividends to individuals.[18]

Through a proceeding under the Declaratory Judgments Act, the Minnesota income tax act was upheld.[19] The state constitution was amended in 1906 by the adoption of what was called the "wide open tax amendment." Omitting the equality principle and retaining the uniformity clause, the general intention was declared to be "to relieve the legislature of the narrow restrictions theretofore placed upon that branch of the government." The court sustained the act, deeming the exemptions and classifications under it reasonable and observing that "while income as received is necessarily property, a tax upon it has many characteristics which differ quite radically from those levied upon real or invested personal property.[20]

Other states attempted to preserve public credit by taxes on gross receipts or occupations, or by a general sales tax.[21] A South Dakota tax on gross receipts, so far as it relates to receipts from business pursuits, professions, trades, vocations, and callings, was held valid as an excise tax. Certain sections, however, were disapproved in so far as they applied to receipts other than those incident to a taxpayer's business, profession, or calling. The act introduced a novel scheme of taxation with a rate of one-fourth of one per cent on wholesale and retail sales and a tax on wages and salaries according to the following schedule: one per cent up to $2000; one and one-half per cent up to $5000; and two per cent in excess of $5000. The court regarded the term gross receipts tax as a misnomer, since the levy is in part a property tax, a privilege tax, and an income tax. But since most state courts have approved a general sales tax as a privilege tax, this tax using gross receipts as a measure is approved as an excise, license, or privilege tax. It is recognized that there are discrepancies here between the criteria of law and economics and that highly artificial reason-

[18] O'Connell v. State Board of Equalization, 25 P. (2d) 114 (July, 1933). Chief Justice Calloway and Justice Angstman thought the law could not stand because income is in every essential respect property.

[19] In Minnesota and Idaho, income tax acts were passed by the legislature after proposed constitutional amendments permitting income taxes were defeated.

[20] Reed v. Bjornson, 253 N.W. 102 (Mar., 1934). See Standard Lumber Co. v. Pierce, 228 P. 812 (1924), holding valid the Oregon graduated income tax. For an analysis of the conflicting views on the income tax, see Robert C. Brown, "The Nature of the Income Tax," 16 *Minn. Law Rev.* (Jan., 1933), 126 ff. Mr. Brown concludes that "there are some slight analogies between the income tax and purely personal taxes; much stronger analogies between it and property taxes; and the strongest analogies of all between income and excise taxes." *Ibid.*, 145.

[21] Since 1930, more than twenty states have adopted some form of a general sales tax. Cf. Carl Shoup and Louis Hainoff, "The Sales Tax," 34 *Columbia Law Rev.* (May, 1934), 809.

ing is involved, but practical devices rather than theoretical distinctions were considered essential.[22]

With the way closed by the disapproval of a constitutional amendment for the enactment of an income tax and by judicial rejection of a law passed by the legislature,[23] the Illinois legislature turned to a general sales tax, and a three per cent tax was applied to all persons engaged in the business of selling tangible personal property at retail. But since the act exempted farm products and farm produce sold by the producer and motor fuel at retail, it was held to involve unwarranted discriminations.[24] The plan of distributing the tax among the several counties was also disapproved. In counties having more than 500,000 inhabitants, the money was to be expended by the emergency relief commission; in the smaller counties, the funds might be used for education or relief. On the ground that the legislature may not, under constitutional restrictions, vest discretion as to the expenditure of state funds in local offices, the provisions appropriating the funds to the counties were declared invalid. The objectionable provisions being integral parts of the whole plan, the court denied enforcement to the entire act.

The legislature then turned to a retailer's occupation tax—the tax to be measured by the amount of the gross receipts received by a person engaged in the business of selling tangible personal property at retail. Credit sales and conditional sales were not to be taxed until the purchase price was paid. This act seemed to stand all the tests of constitutionality, and was sustained.[25] The claim that a change of one vote would have defeated the measure and that a disqualified member participated in the voting was ignored.

When the Colorado legislature authorized the borrowing of money to relieve unemployment by providing work on highways as a measure to protect and defend the state, the justices regarded state defense as a subterfuge and advised the governor and legislature that the contract for such a loan could not be sustained. Defense of the state is thought to be confined to provisions to meet attacks or threatened attacks. Justice Burke objected to the rather common assumption that such a law can be condemned only by a narrow construction of the constitution as opposed to a broad or liberal interpretation. This view, he argued, is based on a "popular fallacy that all interpretation which upholds legislation is broad and all which overthrows is narrow."[26]

[22] State v. Welsh, 251 N.W. 189 (Dec., 1933).

[23] Bachrach v. Nelson, 132 N.E. 909 (1932). See this REVIEW, Vol. 27, p. 757.

[24] Winter v. Barrett, 186 N.E. 113 (May, 1933).

[25] Reif v. Barrett, 188 N.E. 889 (Dec., 1933).

[26] *In re* Senate Resolution No. 2, etc., 31 P. (2d) 352 (Dec., 1933). See dissent by Justices Butler, Bouck, and Holland.

With a constitutional limit on state indebtedness of $250,000, an act authorizing the state executive council to issue twenty million dollars worth of bonds to replenish the state sinking fund for public deposits so as to release public funds in closed banks was condemned. The provision authorizing a one mill tax levy and pledging the returns as a sinking fund for payment of the bonds did not meet the court's view of the constitutional requirements.[27]

But the unemployed and those in distress have not always found constitutions, through their official spokesmen, barriers to relief legislation. The Kansas supreme court could see no objections to a statute permitting the highway commission to borrow money from the federal government for road construction and maintenance in order to furnish aid to the poor and needy, although the constitution placed this duty upon the counties.[28] The constitutional provision prohibiting debts in excess of a million dollars, unless ratified by the voters, was held inapplicable. So an amendment to the motor fuel tax law providing for the use of part of such tax to pay the interest and principal of emergency relief bonds was held valid.[29]

Various phrases designed for other purposes have been chosen as a basis for a relaxation of the constitutional requirements. The legislature of Washington authorized the issuance of general obligation bonds in the sum of $10,000,000 for the relief of state-wide unemployment and poverty, without popular submission and approval. Because the act was passed to meet a critical emergency and was declared to have a constitutional purpose as an aid "to suppress incipient insurrection," it was declared valid. The legislative declaration of an emergency was held to be conclusive, since the constitution of which the judges are not the sole guardians envisages prevention of disorders as well as their suppression. As the act was intended primarily for relief of unemployment and poverty, and not for the immediate suppression of insurrection, three justices took issue with their brethren. There was danger, they thought, that the constitution was becoming the plaything of the legislature and the courts and that it was being destroyed to serve humanitarian purposes.[30]

In a similar manner, the provision in the state constitution of West Virginia that "no debt shall be contracted by this state, except to meet casual deficits in the revenue to redeem a previous liability of the state, to suppress insurrection, repel invasion or defend the state in time of war," was given a new application, when the legislature authorized the issuance of five million dollars of state bonds to meet casual deficits in the general

[27] Hubbell v. Herring, 249 N.W. 430 (July, 1933, Ia.).

[28] State v. Kansas State Highway Commission, 28 P. (2d) 770 (Jan., 1934).

[29] Michaels v. Barrett, 188 N.E. 921 (Jan., 1934, Ill.).

[30] State v. Martin, 23 Pac. (2d) 1 (June, 1933).

revenue and capitol building funds. Approving the issuance of the bonds, the court observed that "the state constitutional requirements are for the preservation of the state and the maintenance of its integrity and for the protection of the people. Constitutional limitations must not be so construed as to be subversive of their very purpose."[31]

But when the legislature of West Virginia attempted to adjust the tax structure of the state to the tax limitation amendment approved by the voters in November, 1932, the court refused to give its approval despite the serious emergency situation. A law providing for tax levies to meet the current expenses of local government was enacted on the assumption that interest and sinking fund payments on local and bonded debt were not included within the maximum levies of the tax limitation amendment. The supreme court, however, insisted that in accordance with the amendment all debt services for local bonded indebtedness must be paid first and within the prescribed maximums before a current expense levy could be laid.[31a]

The legislature, again called into special session, then proposed by a general law to grant aid to counties and to various local districts. The act authorized payment, from the general revenues of the state from taxes on privileges, franchises, and incomes, of money to meet interest and sinking fund charges on the bonded indebtedness of all counties, magisterial, school, and other taxing districts, except municipalities, incurred prior to November, 1932, for roads and for schools. A state sinking fund commission was to administer the act. The state supreme court held this act void on various grounds. Consideration was given first to the provision of the constitution that the state shall not become responsible for the debts or liabilities of any county, city, township, corporation, or person. This prohibition was asserted to have been adopted primarily to prevent action as contemplated in the above act. In the second place, the act was held to violate due process of law "as an arbitrary exercise of governmental power." Judge Maxwell conceded that these are difficult days, but he did not consider them so difficult that the organic law must be circumvented by forced construction. The underlying purpose of written constitutions is believed to be the preparation of "a safe and definite harbor for the ship of state in times of tempest."

Justices Hatcher, Woods, and Litz protested against the strict constitutional construction of the majority in the present emergency. The constitution requires that the state provide "a thorough and efficient system of free schools." But in their opinion, by the reasoning of the

[31] Dickinson v. Talbott, 170 S.E. 425 (June, 1933).

[31a] Bee *v.* City of Huntington, 177 S.E. 539 (Sept., 1933). See John F. Sly, "Rebuilding in West Virginia: Fifteen Months of Legislation (1933–1934)," *Public Affairs Bulletin*, No. 7, Bureau of Government Research.

majority, the state may not grant aid to local districts to accomplish this purpose. Since the payment of debt charges left little for operating expenses in many local units, the utmost liberality in construction was deemed imperative. And then, with a touch of judicial realism, Justice Hatcher referred to the negative and destructive consequences of the court's holding, as follows: "My attention has been called to no solution of that problem—and I presume the legislature knew of none—which does not seem to involve an infringement on some constitutional provision."[32] An amended bill making more adequate provision for debt services finally received judicial approval.[32a]

A Colorado statute imposing additional motor vehicle registration fees to provide funds for the aid of the needy and destitute was held void as imposing a tax for county purposes.[33] The money collected from the fees was to be credited to the county emergency relief fund and was to be expended under the direction of the board of county commissioners. Since the fees were graduated according to the value of the motor vehicle, the majority insisted that the act imposed a property tax; and since the sole purpose of the act was considered to be the raising of revenue, the police power was held not to be applicable and the constitutional inhibitions concerning uniformity were controlling. The duty to care for the needy belongs to the county. And thus, with "heavy hearts," the majority of the court declared the act void, with the significant comment that "we pronounce as the most certain of law that there has never been, and can never be, an emergency confronting the state that will warrant the servants of the constitution waiving so much as a word of its provisions."[34]

The tangled efforts in Alabama to keep the schools going by the issuance of warrants came to the supreme court through an injunction sought by a school teacher. The excess of appropriations over income was estimated at twenty million dollars, covered by outstanding warrants. Sixteen millions of these warrants were issued for the payment of teachers and for other educational outlays. An injunction tying up the payment of all governmental expenses to recapture misspent school funds was held properly dissolved. And it was declared that in accordance with the re-

[32] Berry v. Fox, 172 S.E. 896 (Jan., 1934).

[32a] See John F. Sly, *op. cit.*, 12.

[33] Walker v. Bedford, 26 P. (2d) 1051 (Oct., 1933).

[34] Justices Butler, Bouck, and Holland thought the act should be sustained as a valid exercise of the police power. The exaction was regarded as an excise tax and as such covered by the police power, which "is the least limitable of the exercises of government." "If this court," said Justice Bouck, "could have decided in favor of the validity of the U.R. Act, I feel that the court would not only have been fairly within the principles of the constitutions of Colorado and the United States, but more in step with the march of human progress." And Justice Holland believed that "we best uphold the constitution when we find that its elasticity will at least allow temporary measures to meet human needs."

strictions of the constitution "the legislature cannot create debts by appropriations in excess of revenues, by the creation of new offices, by expanding the functions of government, nor by enlarging the activities of its departments, however important or insistent the public demand." Outstanding warrants in excess of revenues, it was asserted, could be paid only by means of a constitutional amendment.

Though the prospect was not promising for the payment of teachers' salaries in Alabama, the injunction sought in this case resulted in a condemnation of the attempt to add to the pay of members of the legislature by granting four dollars a day extra beyond the constitutional allowance, for reasonable expenses incurred while in attendance upon the sessions of the legislature.[35]

In a taxpayer's suit to restrain a school district from selling refunding bonds to retire outstanding warrants, it was held that constitutional provisions relating to appropriations by the legislature and the restrictions on state indebtedness do not apply to school districts which are controlled by special debt restrictions. A policy limiting school trustees from drawing warrants unless there was sufficient money in the treasury was changed by a legislative act authorizing the issuance of warrants in anticipation of school moneys which have been levied but not collected. Many districts had issued such warrants based on taxes levied but never collected.[36]

To meet such an emergency situation, the legislature passed an act validating outstanding and unpaid warrants at the close of the year, June 30, 1933. But the supreme court did not conceive it part of its duty to aid school districts in escaping the consequences of excess expenditures or misfortune. And the contention that warrants issued in anticipation of the collection of taxes do not constitute indebtedness was held fallacious.

Some unforeseen results emanated from constitutional inhibitions in decisions relating to the efforts of federal agencies to render assistance to the states for emergency purposes. A statute authorizing the forestry, fish, and game commission to obtain a loan from the Reconstruction Finance Corporation and permitting the commission to use the funds in carrying on internal improvement projects was held to violate the provision limiting the state's authority to engage in such works. To the justices, it was necessary to look to the meaning of the constitution at the time of its adoption in 1859 and to follow what was clearly then provided as a fiscal policy of "pay as you go," so far as the current expenses of the state government are concerned.[37] And the grant of money from the

[35] Hall v. Blau, 148 So. 601 (June, 1933). See also Wertz v. Shane, 249 N.W. 661 (July, 1933), holding that a taxpayer, on the attorney-general's refusal, may sue state legislators to compel repayment to the state treasurer of expense moneys unconstitutionally paid to them.

[36] Farbo v. School Dist. No. 1 of Toole Co., 28 P. (2d) 455 (Dec., 1933, Mont.).

[37] State v. Boynton, 30 P. (2d) 291 (March, 1934, Kan.). The fact that the present state debt approximated twenty-two millions was no doubt a consideration

National Recovery Administration to erect buildings at the state hospital with an agreement to repay part of the loan was held to create an obligation in violation of constitutional limits.[38]

Efforts to relieve the unfortunate situation of those delinquent in tax payments also led to divergent results. An act permitting the payment of back taxes relieved of penalties, interest, and costs was upheld as applied to all persons on whose property taxes remained delinquent on January 1, 1933, regardless of the contentions that it violated the uniformity provisions of the constitution and the restriction against the releasing of indebtedness.[39] And an extension of the redemption period and a reduction of the rate of interest and penalties as applied to sales of land for taxes to county and state prior to its enactment was held not to violate the constitutional provision prohibiting the legislature from releasing indebtedness due to the state or the county.[40] But an act suspending for five years foreclosure proceedings on tax certificates held by the city was rendered inoperative because it made ineffective provisions applicable for the payment of obligations at the time that certain contracts were negotiated.[41] Asserting that the police power must be exercised within constitutional limits, the supreme court of West Virginia held an act void extending the time for redeeming tax sales.[42]

### III. APPLICATION OF PHRASES "DUE PROCESS OF LAW" AND "EQUAL PROTECTION OF THE LAWS"[43]

State justices called upon to sanction emergency legislation were frequently influenced by the decision of the court of appeals in New York in the Nebbia Case. In this case, the fixing of a minimum price for milk by a milk control board under a state law passed to deal with emergency conditions in a dairy industry was challenged as exceeding the constitu-

which influenced the court in arriving at its decision. See, however, the holding that the debts of the Rhode Island emergency public works corporation to the federal government for public works under the National Recovery Administration are debts of the corporation as a separate entity and not of the state, *In re* Opinion to Governor, 168 A. 748 (Dec., 1933).

[38] Sholtz v. McCord, 150 So. 234 (Oct., 1933, Fla.).

[39] State v. Koeln, 61 S.W. (2d) 750 (June, 1933).

[40] Grieb v. National Bank of Kentucky's Receiver, 68 S.W. (2d) 21 (Dec., 1933). Consult Newman F. Baker, "Tax Delinquency—Legal Aspects," 27 *Illinois Law Rev.* (June, 1933), 159.

[41] State v. Hoy, 151 So. 1 (Oct., 1933, Fla.). See McNee v. Wall, 4 F. Supp. 496 (Aug., 1933), for decision invalidating an act providing for redemption of delinquent tax certificates in bonds in lieu of money as provided in the original contracts.

[42] Milknit v. McNeeley, 169 N.W. 790 (June, 1933).

[43] For other cases interpreting the phrase "equal protection of the laws," involving condemnation of acts because of *unreasonable classifications*, see State v. Cummings, 63 S.W. (2d) 515 (Oct., 1933); Baker v. Braden, 24 P. (2d) 293 (Aug., 1933); and Harbert v. Mabry, 61 S.W. (2d) 652 (June, 1933); or of *unreasonable discrimination*, Ernesti v. City of Grand, 251 N.W. 899 (Dec., 1933).

tional boundaries. Chief Judge Pound conceded that such a statute would have been condemned formerly as "a temerarious interference with the right of property and contract."[44] We must not fail to consider, however, continued Judge Pound, that the police power is the least limitable of the powers of government, that it extends to all the great public needs, and that constitutional law is a progressive science. Statutes designed to conform the law to the accepted standards of the community, or to stimulate the production of a vital food product by fixing living standards of prices for the producer, are to be interpreted, he believed, with that degree of liberality which is essential to the attainment of the end in view. "With full respect for the constitution as an efficient frame of government in peace and war, under normal conditions or in emergencies; with cheerful submission to the rule of the federal Supreme Court that legislative authority to abridge property rights and freedom of contract can be justified only by exceptional circumstances, and even then by reasonable regulation only," the court did not feel compelled to hold that the due process clause of the constitution has left the producers unprotected from oppression. The policy of non-interference with individual freedom, it was asserted, must at times give way to the policy of compulsion for the general welfare. Justice O'Brien, dissenting, admitted that the police power is "a dynamic agency vague and undefined in its scope," but in his opinion it cannot rise superior to the constitution; "this great instrument of government is not a thing merely to be extolled in academic halls, to be the subject of juvenile orations, and to be tolerated as innocuous only so long as its prohibitions are unnecessary in practical ways. It is not quiescent; it is vibrant. It cannot become obsolete until the states vote to amend or repeal it."[45]

The decision of the federal Supreme Court sustaining the New York court in the Nebbia Case[46] may lead to a renewal of price-fixing legislation. Despite former decisions of the highest court condemning such legislation, Montana passed a law regulating the prices to be charged for standard petroleum products. Though the purpose of the act was stated to be the prevention of unjust discrimination, price-cutting, and rebates, it was declared void as a price-fixing measure. The business, not being affected with a public interest, could not be so regulated.[47]

But the banking business was thought to be sufficiently affected with a public interest to permit a statute vesting control of banks in the governor and forbidding legal proceedings against banks without the governor's

[44] See *In re* Jacobs, 98 N.Y. 98 (1885), and Lochner v. New York, 198 U.S. 45 (1905).

[45] People v. Nebbia, 262 N.Y. 259 (July, 1933).

[46] Nebbia v. New York, 54 S.Ct. 505 (1934).

[47] Clack Co. v. Public Service Commission, 22 P. (2d) 1056 (June, 1933, Mont.).

approval. As a police regulation, such an act passed as an emergency measure "not operating unreasonably beyond the occasion of its enactment, is not rendered void by the fact that it may incidentally affect some right guaranteed by the constitution."[48]

Contrary to a rather general rule that the state has priority over other creditors in insolvent banks, there was in Maryland no recognized priority either at common law or by statute in favor of the money of the state on deposit in banks. By the provisions of an emergency banking bill placing under the control and management of the state banking commissioner all state banks and trust companies which could not prove their ability to meet outstanding obligations, unsecured deposits of municipalities, which normally do not have a preferred status, were given priority, and they were exempted from restrictions against withdrawals. This act was declared invalid as an impairment of the obligation of contracts and a denial of due process of law. The state could not, it was held, commandeer without compensation the funds of the small fraction of citizens who happen to have money in the same depository as the city.[49]

For similar reasons, a river compact between Colorado and New Mexico was held not available to protect state water officials from violating valid decrees adjudicating water rights. The compact whereby the waters of the La Plata River were to be "rotated" to meet as nearly as possible the rights and needs of appropriators in both states was ignored as a "mere compromise of presumably conflicting claims" in which the property of citizens is bartered, without notice or hearing, and with no regard to vested rights.[50]

Freedom of contract continues to be a sacred right which legislatures must not violate. A Florida statute requiring a bond of security dealers, which was difficult for ordinary dealers to obtain, was declared illegal. "Suppression of lawful callings," says the court, "through burdensome and oppressive conditions precedent, designed to be enforced by bureaus, boards, or commissions acting under authority of law, are as much subject to the inhibitive force of the organic law as are statutes which in terms directly prohibit lawful businesses, trades, and occupations to no good purpose."[51] Asserting that "it is not within the legislative competence to destroy a legitimate business in times of depression any more than in

[48] State v. Gibbes, 172 S.E. 130 (May, 1933, S. Car.).

[49] Ghingher v. Pearson, 168 A. 105 (July, 1933). For indications of the inclination of the courts to disfavor the state's sovereign right of priority, see note in 43 *Yale Law Jour.* (Jan., 1934), 510.

[50] La Plata River & Cherry Creek Ditch Co. v. Hinder Lider, 25 P. (2d) 187 (July, 1933, Colo.). Justice Butler thought that the court in its decision had ignored the rule that each state is entitled to an equitable share of the waters of an interstate stream.

[51] Riley v. Sweet, 149 So. 48 (May, 1933).

normal times," the federal district court held void a Kentucky act imposing a tax of ten cents per pound on oleomargarine.[52]

Various attempts have been made through legislation and administrative agencies to prohibit "yellow dog contracts." The National Industrial Recovery Act places the stamp of disapproval upon such contracts. But a New Hampshire proposal to prohibit contracts of this type resulted in an unfavorable advisory opinion by the state supreme court. The proposal to limit equity jurisdiction in labor disputes was considered so discriminatory as to violate the equal protection of the laws, and the limitation on the power of the court to punish for contempt was criticized as an interference with an essential attribute of a court of general jurisdiction.[53]

State utility commissions, such as those of California, Massachusetts, and Wisconsin, which have been using prudent investment or historical cost instead of reproduction cost as the base for rate determinations will be concerned as to the outcome of the decision in the Pacific Gas and Electric Company Case.[54] Where a state utility commission departed from the rules laid down by the Supreme Court of the United States for the determination of the proper rate base and a federal court was in doubt whether the evidence supported the commission's order relating to gas rates alleged to be confiscatory, it was held an interlocutory injunction should issue. It was contended that the commission made no allowance for going concern value and claimed to have used as the rate base "actual or estimated historical costs of the properties undepreciated, with land at its present market value." This procedure is declared to be contrary to repeated holdings of the Supreme Court.

A more favorable attitude toward administrative determinations was shown by the supreme court of Michigan. Supporting the conclusiveness of fact-finding by a state utility commission, that tribunal held void an act in so far as it authorized the review and final determination by the courts of issues of fact. Issues of fact as to the granting of certificates of public convenience were considered clearly to be legislative and not judicial questions.[55]

The query of Lord Birkenhead as to whether the rigid written constitu-

[52] Field Packing Co. v. Glenn, 5 F. Supp. 4 (April, 1933). See also Capital Gas & Electric Co. v. Boynton, 22 P. (2d) 958 (June, 1933, Kan.), holding void as a denial of equal protection of the laws an act prohibiting the sale of gas appliances by those engaged in manufacturing, distributing, or selling gas.

[53] *In re* Opinion of Justices, 166 Atl. 640 (May, 1933). Adair v. United States, 208 U.S. 161 (1908); Coppage v. Kansas, 236 U.S. 1 (1915); and Truax v. Corrigan, 257 U.S. 312 (1921) were cited with the comment that, despite criticisms, these decisions are the supreme law of the land.

[54] Pacific Gas and Electric Company v. Railroad Commission, 5 F. Supp. 878 (Feb., 1934).

[55] *In re* Consolidated Freight Co., 251 N.W. 431 (Dec., 1933).

tions of the United States will be as adaptable to the stress and strain of political and economic exigencies as the flexible arrangements of the British constitution remains unanswered. But the last few years have put to a severe test the American principles of constitutional government. Never before have such far-reaching economic and political measures been undertaken by the state governments, many of which run counter to the constitutions as formerly interpreted by the courts. The fact that they were deemed necessary to meet the extraordinary conditions of an appalling economic depression, and that they were enacted as emergency measures, leaves some difficult problems of constitutional interpretation.

Perhaps written constitutions have not been relegated to a minor rôle in the American system of government because they have been applied with some measure of flexibility, and because they are as a rule expressed in language so general that the skilled interpreter may "march language and meaning along the same line of argument in opposite directions."[56]

[56] Walton H. Hamilton, "Constitutionalism," *Enclyclopaedia of the Social Sciences*, Vol. 4, p. 258.

## LEGISLATIVE NOTES AND REVIEWS

**Contemporary State Statutes for Liquor Control.** Those who view with apprehension the centralizing tendencies of New Deal legislation may find solace in the antithetical development in the field of liquor control. The uniform control achieved by the Eighteenth Amendment was the object of applause until its evident unworkability was discovered. It is one of the paradoxes of American politics that we have destroyed the possibility of centralization in the field of liquor control at the same time that we have been attempting to achieve greater centralization in a number of activities hitherto believed to be completely in the field of state authority.

The jumbled checkerboard of experiments in the field of liquor control, from which we were relieved during the prohibition era, has returned. Only three states remain "bone dry"[1] and in one of these, Georgia, some cities have permitted the sale of beer under local license. Twelve states permit merely the sale of beer, and in three others, while the sale of beer alone is permitted, individuals are allowed to import liquor for their personal use.[2] Twenty-nine states at the present time [June, 1934] have liberalized their laws and permit, under restrictions varying in stringency, the manufacture, distribution, sale, and consumption of alcoholic beverages. One other state, Mississippi, has passed a liquor control act which was submitted to the electorate for approval in July.[3]

Of the wet states, all but Louisiana and Kentucky have adopted new permanent liquor laws. Louisiana at the present time has no liquor law, and the entire problem of control is taken care of by the individual localities. Kentucky has constitutional prohibition, but has surmounted that obstacle by setting up a license system based upon the hypothesis that all the liquor consumed is for medicinal purposes—imbibed after self-prescription.

Most of the states which permit the sale of liquor have created special governing authorities, although six of them have utilized existing agencies

[1] Alabama, Georgia, and Kansas.

[2] Arkansas, Florida, Idaho, Nebraska, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming permit the sale of beer only. Maine, South Carolina, and West Virginia are the states permitting the sale only of beer, but allowing importation of liquor for personal use. It might be added that Arkansas permits the manufacture of home brew and wines for personal consumption and Florida permits the manufacture of alcoholic beverages for personal use.

[3] Eight of the dry states have arranged for referenda on their dry laws: Florida, Kansas, Nebraska, South Dakota, West Virginia, and Wyoming will vote in November; Maine in September; and Idaho in December. The Mississippi control bill was defeated at a referendum on July 10, 1934.

for the purpose.[4] Two states, Montana and New Mexico, have created ex-officio boards, and the proposed law in Mississippi provided a similar arrangement.[5]

In the twenty remaining wet states, new governmental bodies have been created. These have been given various names, the most common being "the liquor control commission." Indiana, however, created the office of excise director, and in Missouri there is a supervisor of liquor control. These bodies vary in size. Four states have centered complete responsibility in an individual.[6] Michigan, New York, Ohio, and Rhode Island have created five-man commissions.[7] The remaining states have placed responsibility in boards of three members.[8]

The method of selection is usually by nomination of the governor and approval by the senate, but in this respect again there is little uniformity. Seven states permit the governor to exercise complete authority.[9] New Jersey stands alone in providing for the selection of the state commissioner of alcoholic beverage control by a joint session of the state legislature.

In making nominations, the governor is limited only by the requirement that the members of the board or commission shall be citizens of the state and of the United States, that they have no interest, direct or indirect, in the manufacture, sale, or distribution of alcoholic beverages, and that not more than two or three of the board members (depending upon the size of the board) shall be members of the same political party. Rhode Island imposes a unique limitation upon the governor's choice by compelling him to make his appointments from lists of five names submitted to him by the chairman of each of the political parties.

Provision for a continuity of personnel is achieved in most of the statutes by providing overlapping terms for board members. After the shorter terms served by the original commissioners, the regular term of office

[4] Arizona, the state tax commission; California, the state board of equalization; Colorado, the state treasurer; Kentucky, the state tax commission; Maryland, the state comptroller; and Wisconsin, the state treasurer. All of these except Maryland and Wisconsin grant complete authority to the designated state agency.

[5] In Montana, the state board of examiners, composed of the governor, the attorney-general, and the secretary of state, is made the state liquor control board with sole authority. The state board of liquor control in New Mexico is composed of the secretary of state, the attorney-general, and the director of public health. The liquor commission proposed in Mississippi is to be a body of three—the governor, the attorney-general, and the secretary of state. Only in Montana is this ex-officio body given exclusive authority.

[6] Delaware, Indiana, Missouri, and New Jersey.

[7] In Michigan, the board is composed of three appointive members with the governor and secretary of state acting as ex-officio members.

[8] Connecticut, Illinois, Iowa, Massachusetts, Minnesota, New Hampshire, Oregon, Pennsylvania, Vermont, Virginia, and Washington.

[9] Connecticut, Delaware, Illinois, Indiana, Oregon, Virginia, and Washington.

varies from three years in Massachusetts and Michigan to a nine-year term in Washington. A plurality of the states at the present time provide six-year terms. Indiana does not provide by statute for a definite term for its excise director, but does impose the limitation that the governor shall not appoint him for a term in excess of four years. Missouri prescribes that the supervisor of liquor control shall serve at the pleasure of the governor. Most of the states provide for the removal of board members for violation of the law or because of removal from the state. They also provide that a board member shall be disqualified if he holds any other office in the state or federal government or does not devote his entire time to the work of the commission.

The powers of the agencies for control of the liquor traffic are dependent to some extent upon the type of control exercised by the state. In the eleven states which have established state monopolies, the control boards, speaking generally, possess more extensive powers than the boards in license states.[10] With the exception of Vermont and Virginia, all of the states operating under monopoly laws have granted exclusive regulatory powers to the state agencies.[11] While this situation is more general in the states having monopoly plans, it is not restricted to them; six of the states operating under a license system of control have also bestowed exclusive regulatory power upon the state authority.[12]

Under the monopoly plan, the state agency is usually given the following powers: to buy, import, and possess for sale alcoholic beverages of stated alcoholic content; to establish, maintain, or discontinue state stores or to appoint special distributors in lieu thereof;[13] to issue, cancel, and suspend licenses; to determine the nature, form, and capacity of containers; to appoint and dismiss employees for cause; to make all necessary rules and regulations; and to exercise police powers to enforce the law. Several of the states, working under the state-store plan, have run afoul of the Federal Alcohol Control Administration by authorizing

[10] Delaware, Iowa, Michigan, Montana, New Hampshire, Ohio, Oregon, Pennsylvania, Vermont, Virginia, and Washington.

[11] Local agencies assist the liquor control board in Vermont and Virginia.

[12] Arizona, California, Colorado, Connecticut, Indiana, and Kentucky give exclusive authority to the state body, while Illinois, Maryland, Massachusetts, Minnesota, Missouri, New Mexico, New York, Rhode Island, and Wisconsin divide control between state and local agencies. In Louisiana and Nevada, complete administrative power is given to the local divisions.

[13] In keeping with the intent of the monopoly plan to eliminate the profit motive, such distributors are usually paid a definite salary. Michigan, for example, provides that such distributors must be established merchants and must be paid an annual stipend not in excess of $1200. Iowa sets $900 as the maximum annual salary; while Ohio permits individual arrangements to be made, provided they involve a fixed salary.

their control agencies to buy on consignment.[14] A few of the monopoly-plan states permit the control authority to manufacture alcoholic beverages. The Virginia law, for example, authorizes the control board to own and operate a distillery if such activity is deemed expedient, while Oregon has authorized its liquor control commission to establish a rectifying plant. The Delaware law provides that the commission may bottle and blend liquor.

Speaking generally, the authority granted to state agencies under a licensing system is similar to that possessed by state authorities under a monopoly plan. The principal differences are with regard to the establishment of state stores, the purchasing and possession of alcoholic beverages, and the fixing of prices. Massachusetts and Rhode Island are the only states using the license system which permit the state authority to deal with price-fixing.[15] Indiana has an unusual provision in that the excise director is given the power to divide the state into districts corresponding to congressional districts, and to limit the number of manufacturers, importers, and wholesale dealers in alcoholic malt beverages in each district.[16] There is a great variety of license and tax requirements in the several states. While ostensibly for the purpose of control, the revenue possibilities have not been ignored. Obviously some license fees have been set with the idea of discouraging the traffic, while others, not so obviously, have been levied with primary consideration given to how much the traffic could bear. At the present time, the license fees for similar privileges vary markedly as one crosses state boundaries. California has a flat-rate distiller's license of $50, while Pennsylvania provides for distiller's licenses varying from $2,500 to $25,000.[17] Some idea of the revenue-producing character of the licensing laws can be gained by an examination of the table on page 632 showing the tax provisions in 27 of the wet states.

One other type of licensing is imposed in a few states—the individual purchasing permit.[18] This device is intended to be a method of control rather than of revenue production. Delaware provides for a personal

[14] Ohio is one of the states whose laws permit the commission to buy on consignment. (The F.A.C.A. prohibits the sale of liquor on consignment.)

[15] The Massachusetts control board is authorized to fix the maximum retail price of beverages, while the Rhode Island commission is permitted to fix maximum wholesale prices.

[16] The law provides that there shall not be more than one manufacturer for each 150,000 population, nor more than three in any one district; not more than 10 importers' permits per district shall be issued, and there shall be no more than one wholesaler for alcoholic malt beverages in each county of 20,000 or less.

[17] The amount is determined upon the basis of the capacity of the distillery.

[18] Iowa, Montana, New Mexico, Oregon, and Washington.

TABLE I. LICENSE FEES AND EXCISE TAXES IMPOSED BY THE SEVERAL STATES
(Note: The variation in each column is a result of differences based upon kinds of liquor unless otherwise indicated.)

| State | License Fees | | | | Excise Tax | | |
|---|---|---|---|---|---|---|---|
| | Mfrs. | Wholesalers. | Retailers | Restaurants | Beer | Wine | Liquor |
| Arizona | $250 | $50–100 | $25 | $50–100 | $.05 pt. | $.03 pt. | $.10 pt. |
| California | 1–50 | 10–100 | 10–100 | 50 | .62 bbl. | | |
| Colorado | 500–1000 | 1000 | 25–500[8] | | .03 gal. | .03 pt. | .10 pt. |
| Connecticut | 1000 | 500 | 50 | 50 | gross receipts tax | | |
| Delaware | 50–3000[9] | | | 100–300[10] | 1.00 bbl. | .40 gal. | .75 gal. |
| Illinois | 500–2500 | 100–250 | 50 | 50[11] | .02 gal. | .10 .25 gal.[1] | .50 gal. |
| Indiana | 250–2500 | 250–1000 | 25–100 | min.300 | .05 gal. | .50 gal.[2] | .25 pt. |
| Iowa | 250 | 100 | | | | | |
| Kentucky | 500 | 100 | 25 | 25 | 1.25 bbl. | 1.25 bbl. | .02 gal. |
| Louisiana | Regulated by local Subdivisions | | | | | | |
| Maryland | 1000 | 1000 | 25–250[16] | 350–750[17] | | over 14% 1.00 gal. | 1.00 gal. |
| Massachusetts | 2000–5000 | 500–5000 | 75–2000[3] | 100–2500[14] | 1.00 bbl. | .10 per 40 gal. | .40 gal. |
| Michigan | 250–5000[15] | | | 100–300 | 1.25 bbl. | | |
| Minnesota | | | | | | | |
| Missouri | 250 | 200–500 | 50 | 50–300 | 1.00 bbl. | .40 gal. | .80 gal. |
| Montana | | | | | .50 bbl. | | |
| Nevada | Regulated by local Subdivisions | | | | | | |
| New Hampshire | | | | | | | |
| New Jersey | 100–7500 | 750–1500 | 200–1000* | 350–1500 | .003 gal. | .10 .25 gal. | 1.00 gal. |
| New Mexico | 2500 | 750–1250 | 50–300[5] | | excess profits tax | | |
| New York | 500–2500 | 500–4000 | 500–1200[4] | 100–1500 | .003 gal. | | 1.00 gal. |
| Ohio | 20–1000[2] | 50–1000[3] | | 100–1000 | | retail s.p. 10% | 25% on gross profit |
| Oregon | 100–500 | | | 100 | .62 gal. under 4% 1. gal. over | .25 gal. | |
| Pennsylvania | 250–25000 | | 150–600 | | | .05 per proof gal. | 1.00 gal. |
| Rhode Island | 1000 | | 200 | 100–300 | mfrs. 1.00 per bbl.; wholesalers all profits over 9% original investments | | |
| Vermont | | | | | | | |
| Virginia | | | | | | | |
| Washington | 100–250 | | 10 | 25 | 1.00 bbl. | | |
| Wisconsin | 250 | 250 | local authorities | | 1.00 bbl. | .25–1.00[7] gal. | 1.00 gal. |

* Determined as to exact amount by local authorities.
[2] Dependent upon production as well as kind of beverage; includes in addition a per bbl. and per gal. tax in excess of stated production.
[3] Dependent upon quantity sold as well as kind.
[4] Dependent upon population as well as kind.
[5] Dependent upon population as well as kind.
[6] Dependent upon population as well as kind.
[7] Dependent upon alcoholic content.
[8] Dependent upon location.
[9] Dependent upon capacity as well as kind.
[10] Dependent upon population as well as kind.
[11] Local authorities may also license.
[12] Dependent upon alcoholic content.
[13] Dependent upon location as well as kind.
[14] Dependent upon local authorities as well as kind.
[15] Dependent upon alcoholic content.
[16] Dependent upon location as well as kind.
[17] Dependent upon location as well as kind.
[18] Dependent upon capacity as well as kind.

purchasing permit which must be secured by individuals who wish to make purchases in excess of a maximum prescribed in the law.

The sale of alcoholic beverages to the consumer is under restrictions differing widely in their stringency. Here, perhaps, more than in any other place, the difference between states operating under a monopoly plan and those under license is made evident. But even in this aspect of control legislation the similarity between the two types of control is more

real than evident. The following table indicates the types of retail sale (besides package sale) permitted in the several states and indicates at the same time the type of control utilized:

TABLE II. STATES PERMITTING SALES FOR CONSUMPTION ON THE PREMISES

| State | Type of Control | Where sold |
|---|---|---|
| *All Liquors:* | | |
| Arizona | License | Hotels and restaurants with meals |
| Delaware | Monopoly | Hotels and restaurants (beer in taverns) |
| Illinois | License | Hotels and restaurants and taverns |
| Kentucky | License | Hotels and restaurants with meals |
| Louisiana | License | Hotels and restaurants and taverns |
| Maryland | License | Hotels and restaurants and taverns |
| Massachusetts | License | Hotels and restaurants and taverns |
| Michigan | Monopoly | Hotels and restaurants (beer in taverns) |
| Minnesota | License | Hotels and restaurants and taverns |
| Missouri | License | Hotels and restaurants and taverns |
| Nevada | License | Hotels and restaurants and taverns |
| New Hampshire | Monopoly | Hotels only |
| New Jersey | License | Hotels and restaurants and tavern |
| New York | License | Hotels and restaurants |
| Ohio | Monopoly | Hotels and restaurants |
| Pennsylvania | Monopoly | Hotels and restaurants |
| Rhode Island | License | Hotels and restaurants (beer in taverns) |
| Vermont | Monopoly | Hotels and restaurants |
| Wisconsin | License | Hotels and restaurants and taverns |
| *Beers and Wines Only:* | | |
| California | License | Restaurants, etc., with meals |
| Colorado | License | Hotels and restaurants |
| Connecticut | License | Hotels and restaurants (beer in taverns) |
| Indiana | License | Hotels and restaurants |
| New Mexico | License | Hotels and restaurants |
| Oregon | Monopoly | Hotels and restaurants with meals |
| Virginia | Monopoly | Hotels and restaurants |
| Washington | Monopoly | Hotels and restaurants (beer in taverns) |
| *Beer Only:* | | |
| Iowa | Monopoly | Hotels and restaurants with meals |
| Montana | Monopoly | Hotels and restaurants |

Analysis of the table shows that six of the eleven monopoly states permit the sale of all liquors for consumption on the premises of the vendor and that in each case the sale is permitted without meals. The New Hampshire law provides one of the most amusing situations in the entire liquor control picture. While permitting the sale of all liquor by the drink in hotels throughout the state, the law provides that citizens living in dry

local option districts may not patronize their local hotels for the purchase of a drink. Some of the license states, it will be noted, impose the limitation that beverages may be purchased only in conjunction with meals. Special attention might be called to the provision in three of these states that taverns—the new name for the old saloon—may sell only beer.

This attempt to convert an old American institution into a beer garden is also made by legislative provision in two of the states permitting the sale of beers and wines by the drink. Of the eight states restricting the so-called "on-sales" to beer and wine, five are operating under a license system. In this group, California has by far the most restrictive legislation, permitting sales only with meals. The California law has been the object of widespread criticism, and a petition for referendum has been circulated to provide an amendment to the liquor law permitting sale by the drink in public dining rooms.[19] Of the states permitting the sale of beer, Iowa stands alone in permitting the sale of beer by the drink only with meals.

Some of the general restrictions frequently found upon the "on-sale" of intoxicants include the prohibition of sales upon Sundays, holidays, and days of elections, prohibition of the sale of liquor to minors and to intoxicated persons, prohibition of screens and "swinging doors," qualifications as to proximity to schools and churches, and restrictions as to the hours of sale. Here again unique provisions are encountered: Arizona prohibits patrons and employers from purchasing drinks for women employees, and in Massachusetts women are not permitted to be patrons in taverns and may not be served, nor drink alcoholic beverages, therein. Connecticut prohibits hiring women employees in taverns, and Rhode Island makes the seller liable for damages committed by intoxicated persons.

The same general restrictions imposed upon "on-sale" licensees are applied to the licenses granted for "off-sales." It is in connection with "off-sales" that we find the most striking difference between the license and the monopoly states. All of the states having a monopoly plan of control except Delaware provide for "off-sales" of intoxicating beverages, in excess of stated alcoholic content, only by state stores or distributors appointed in substitution for such stores.[20] The proposed Mississippi law provided for county stores under a manager appointed by the state commission, but his salary was to be upon a commission basis.[21]

Among the other states, four provide that licensees for "off-sales" must be engaged in some other mercantile enterprise, and two provide that

[19] *United States News*, Vol. 2, no. 21 (May 29, 1934).

[20] Delaware grants licenses for "off-sales" to groceries, delicatessens, hotels, restaurants, and clubs.

[21] Wisconsin provides that municipal stores may be set up, but none has as yet been established.

licensees must not carry on any other type of business at the liquor store.[22] The remaining states, either by definite statement in the law or by indirection, permit establishments to be licensed without regard to whether they engage in other pursuits. In a few states, limitations have been imposed upon the quantity of liquor which may be purchased for "off-sale" consumption.[23] The Colorado provision prohibiting the licensing of chain liquor stores is unusual enough to warrant mention.

Restrictions upon the right to buy vary from the elaborate provisions of the Delaware law to the simple statement in the Nevada statute that only minors may be refused service. The Delaware law prohibits sale to: (1) individuals convicted of drunkenness, driving while intoxicated, or any other offense caused by drunkenness; (2) persons to whom the commission, after appeal by husband, wife, sister, brother, mother, father, employer, mayor, etc., has forbidden sale; (3) persons who habitually drink to excess; (4) minors (except in the case of beer, where the minimum age is 18 years); (5) or any other person to whom such sale is forbidden. In addition to these restrictions, Delaware prohibits sale of intoxicants by the drink to consumers standing or sitting at a bar, and prohibits purchases in excess of one bottle of spirits or twelve bottles of wine without a special permit.

Many of the states have evolved curious requirements which are of more importance to students of Americana than to those interested in liquor control. One of the most amusing is the application which must be signed by Kentucky purchasers. The law provides that such application shall read as follows: "I do hereby make application for pint, quart, case (strike out all but one) of spirituous, vinous, or intoxicating malt liquor which is purchased by me for medicinal, scientific, mechanical, or sacramental purposes (strike out those purposes for which it is not purchased). I am over 21 years of age and am not addicted to the habit of drink, and I have not, within 6 months prior hereto, been convicted of drunkenness."[24] One might mention many equally strange provisions. The most frequently encountered restriction is the prohibition of sales to minors, intoxicated, or interdicted persons.

[22] Arizona, Indiana, Missouri, and New Mexico. Indiana permits sale only by druggists, while Missouri insists that a licensee must have at least a $1500 stock of other merchandise to sell.

[23] California prohibits sales in excess of five gallons; Delaware establishes a maximum of one bottle of spirits or 12 bottles of beer or wine; Indiana sets the limit at six quarts; while Kentucky limits sales to not more than one quart of liquor or wine every seven days. Virginia prohibits sale of more than one gallon of spirits at a time, and Wisconsin has a similar limitation. The proposed Mississippi law prohibits sales in excess of 24 ounces every seven days. The Oregon control authority is permitted to establish maximum purchases, but has not exercised the prerogative.

[24] Alcoholic Control Act, Section 7(a).

The twenty-seven states for which the text of the statute was available provide for local option. The exercise of this prerogative is placed under limitations and restrictions which vary from the familiar restriction as to the frequency of local option elections to the Oregon limitation which prohibits dry counties from receiving any share of the state's liquor revenues. This prohibition is significant in view of the fact that seventy-five per cent of Oregon's total liquor revenue is divided among the counties upon the basis of population.

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**Reëlection of United States Senators.** The debates on that portion of the Federal Constitution which relates to the composition of the United States Senate were marked in various state ratifying conventions by some interesting speculations regarding the inclinations and opportunities of members in the upper branch of the proposed legislative body to secure reëlection after one or more terms in office. In the Massachusetts convention, for instance, J. C. Jones stated that if members of the Senate were allowed a six-year term they would be "loathe to leave their places," and would "fall heavy when they came down." James Taylor declared that individuals once elected to the Senate "are chosen forever." In the New York convention, Gilbert Livingston predicted that senators would have a "security of their reëlection, as long as they please," amounting really to "an appointment for life." This view was shared by one of Livingston's colleagues, Melancthon Smith, and by Samuel Spencer in North Carolina.

In striking contrast to the belief that United States senators would be able in effect to convert a term of six years into a life appointment was the opinion voiced by William R. Davie of North Carolina, who, addressing his own state convention on the subject, said: "I take it for granted that the man who is once a senator will very probably be out for the next six years. Legislative influence changes. Other persons rise, who have particular connections to advance them to office. If the senators stay six years out of the state governments, their influence will be greatly diminished. It will be impossible for the most influential character to get himself reëlected after being out of the country so long. There will be an entire change in six years. . . ."[1]

There appears to be no reason to suppose that more than a small minority of the delegates to the state conventions accepted either of these extreme views pertaining to changes in the personnel of the United States Senate. Nor does it seem necessary to state here that, on the whole,

[1] See *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787.* Comp. by Jonathan Elliot (4 vols., Washington, 1836), II, pp. 45, 48, 286–289, 309–310; IV, pp. 116–118, 122–123.

time has shown that both of them were in error. Yet they suggest, not to say challenge, a careful examination of the records of reëlection, and for that reason have been cited above. That which follows is an attempt to present in a summary manner the results of an extended investigation of the history of reëlection of senators, from the beginning of the Second Congress through the general elections for the Seventy-third; that is, from 1790 through 1932. The subject proper will be treated under two main headings: general, and the effects of the Seventeenth Amendment. Because of the nature of the study, however, it seems best at this point to explain briefly the general technique by which the basic conclusions were reached.

The primary object was to determine, first, what proportion of those senators whose terms expired within a given time were reëlected to succeed themselves; and, secondly, what percentage of them were elected for each of the third, the fourth, the fifth, or whatever the number of terms that may have been represented. The unit used was the six-year interval, or three successive Congresses, corresponding to the length of the senatorial term of office. Inasmuch as the Senate originally was divided into three classes of members whose terms were due to expire at the end of the first, the second, and the third Congresses, respectively, the elections to the second, the third, and the fourth, of course, present all of the pertinent facts for this one period. Thus it logically becomes the first unit. It is to be remembered that the initial groupings in the Senate have been maintained rigidly, that each senator from newly admitted states was placed by design in one of the three classes, and that the entire personnel of the body normally is subject to change completely but once during a period of six years. Consequently, the fifth, the sixth, and the seventh Congresses form the second unit; the eighth, the ninth, and the tenth make up the third; and so on.[2]

[2] The names of the senators are given, of course, in the various directories for successive sessions of Congress. A convenient collection of the necessary data, summarized and arranged by number for each Congress through the Sixty-ninth, is printed as *The Biographical Directory of the American Congress, 1774–1927* (Washington, 1928), issued as 69th Cong., 2nd Sess., House Doc. 783. Unless otherwise designated, all further statements and figures here given are based on one or more of these sources.

It should be explained further that for the purpose in hand a single membership in the Senate is considered only in terms of consecutive periods of service. A reëlected member, therefore, is one who has been elected one or more times *immediately* to succeed himself.

The study is meant to be wholly objective. Deaths while in office and resignations or withdrawals from office do not alter the standings of the members concerned at their last previous elections. Purely *ad interim* appointments are not considered. A member chosen in a special election to fill an unexpired term is regarded neither as an old nor as a new member during such an incumbency. If re-

1. *General Data.* Not once, as is possible under the Constitution, has the entire membership of the Senate changed within six years' time.[3] The smallest proportion of senators ever to be reëlected was 28.94 per cent, or 22 out of a total of 76, in the period from 1875 to 1881. The largest was 62.63 per cent, or 57 out of a total of 91, being for the three Congresses from 1905 to 1911. Percentages for the remaining six-year periods vary considerably between these two extremes. Thirteen, or 44.82 per cent of the 29 senators who were elected for the Second, the Third, and the Fourth Congresses were old, or reëlected, members. During the next six years, out of 32 possibilities, 17, or 53.12 per cent, were reëlected; while 2, or 6.25 per cent, were elected for their third consecutive terms. It was for the Eleventh Congress, beginning in 1809, that a member was first elected for a fourth consecutive term; the Nineteenth, in 1825, was the earliest when one was elected for a fifth term; and it was not until 1897, for the Fifty-fifth Congress, that a senator appeared for his sixth consecutive term.

As Professor Beard has so aptly stated, changes in the Senate "come with variations in public sentiment, in the personal fortunes of individuals, and in the policies of parties."[4] An attempt in the present analysis to make due allowance for all such factors would be impracticable. The results which have been obtained, however, do reflect decidedly the variations in public sentiment, or, as one may say, the changing fortunes of political parties at various times. There were more frequent changes in the membership of the Senate, by way of examples, in the period following the Jackson régime; in the Reconstruction era; during and immediately after the second Cleveland administration; with the return of the Democrats to power under Wilson; and, finally, during the Hoover administration. These changes, especially the one last mentioned, are accentuated considerably, moreover, when observed in terms of each Congress rather than in groups of three. It should be noted in this connection,

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ëlected, moreover, he is considered as holding then only a second term regardless of what may have been the status of the member whom he succeeded. The first members to hold seats in the Senate from newly admitted states, and those from the South following reconstruction after the War between the States, do not figure in the reckoning until at the end of their respective terms. These various irregularities, therefore, do not lower the general average of reëlected members, although they do tend to decrease the percentages of the number serving three or more successive terms.

[3] This, incidentally, is true for any six years that may be selected. It is to be understood, however, that unless specified otherwise all references to six-year periods in this discussion denote some one of a group of three Congresses, counted in regular and consecutive order, beginning with the Second; as, for example, the Second, the Third, and the Fourth, from 1791 to 1797, the Fifth, the Sixth, and the Seventh, from 1797 to 1803, etc.

[4] *American Government and Politics* (5th ed., New York, 1930), pp. 239–240.

however, that in so far as information for the whole number is available, fully one-half of those senators who were not reëlected made no efforts to retain their seats; while the ones who died when in office, added to the number who resigned from office, far outnumber those who failed in the attempt to secure reëlection.

Every state in the Union has returned some of its members of the Senate for as many as three consecutive terms. Thirty-five states have elected individual members for four or more terms; 21 states for five or more terms; while six—Alabama, Iowa, Maine, Massachusetts, Vermont, and Wyoming—have elected certain ones for six consecutive terms.

Down through the middle of the nineteenth century, only four individuals had established any unusually long records of service in the Senate. James Hillhouse, of Connecticut, was elected to fill a vacancy in the term ending in March, 1797, and was reëlected for the terms beginning in 1797, 1803, and 1809, but resigned in June, 1810. He therefore was in the Senate during four consecutive terms, although actually a member less than 14 years. John Gaillard, of South Carolina, was elected to fill a vacancy in the term beginning in 1801. He was reëlected four times, and served until his death in February, 1826. Consequently, his membership of only slightly more than 21 years extended into the fifth term. Alabama in 1819 sent W. R. King to the Senate, where he served until his resignation in 1844, a period of little more than 24 years, but also extending into the fifth term. As is well known, however, Thomas Hart Benton had for his time the longest tenure of service in the Senate. He drew a six-year term when Missouri entered the Union in August, 1821, and retained his membership until March, 1851, technically completing five terms.

Individual accounts cannot be given for all the long records of membership in the Senate, which even before the end of the last century had become quite numerous. Counting some of the present incumbents, no fewer than 32 different individuals have sat in that body for portions or all of five, if less than six, terms. In addition to those who have been mentioned, the list includes the following familiar names: Platt of Connecticut, Borah of Idaho, Cullom of Illinois, Hoar of Massachusetts, Nelson of Minnesota, Cockrell of Missouri, Gallinger of New Hampshire, Simmons and Overman of North Carolina, Jones of Nevada, Penrose of Pennsylvania, Anthony and Aldrich of Rhode Island, Sheppard of Texas, Smoot of Utah, and Swanson of Virginia. Senators elected for six consecutive terms were Morgan of Alabama, Allison of Iowa, Frye of Maine, Lodge of Massachusetts, Morrill of Vermont, and Warren of Wyoming. In the case of each of these men, death itself eliminated the possibility of a seventh successive election. Senator Warren's unbroken membership of 34 years and 8 months, extending from March, 1895, was preceded, incidentally, by two years of retirement following a short period of activity

in another class. For the longest period of continuous service, Senator Allison established a record which as yet has not been broken. Elected for the term beginning in March, 1873, he spent the remainder of his life, 35 years and 5 months, as a member of the Senate.

2. *Effects of the Seventeenth Amendment.* Before the adoption of the Seventeenth Amendment in 1913, it was predicted freely that the system of choosing senators by popular vote would make reëlection more difficult and thus cause a much greater fluctuation in the membership of the Senate. Sufficient evidence of such a belief may be noted in the following summary statement presented by a close student of the subject as a portion of the argument set forth against the proposed change: "Again, the choice of senators by state legislatures has tended to produce a continuity of service, and hence an efficiency based upon long experience in legislative work. . . . But if the effects of popular elections be judged by the results produced in the election of governors and of representatives in Congress, it is clear that the trading of localities, the restless craving for rotation in office, the insistence that prizes be widely distributed, would make it highly improbable that a senator would be given more than one or, at most, two terms . . . for the evidence is incontrovertible that the American people still cherish the notion of rotation in office, and that they are particularly loath to reëlect men for long terms of legislative service."[5] It now remains to determine, if possible, whether this apparently well-founded prediction has been substantiated by the facts.

Roughly, within the last decade prior to the adoption of the Seventeenth Amendment, fully one-half of the states, it is to be recalled, by enacting direct primary laws had established in effect a popular election of their senators. Thus it seems logical to assume that the result of this movement upon reëlections would differ only in degree from that produced by the amendment itself. It is significant, therefore, that in the twelve years from 1899 to 1911 the percentages of reëlections rose decidedly. It is true that for the six-year period 1911–1917, during which the constitutional change went into effect, the movement of these figures was downward. An analysis of the three elections concerned, however, reveals the fact that the averages were lowered by those of 1910 and 1912, which reflected unusual political reverses and witnessed the retirement of several senators who had already served a number of terms. As a matter of fact, the first election after the adoption of the amendment resulted in a higher general percentage of returns to office than that for any previous Congress since 1888.[6] From 1916 to date, also, the general trend for all figures con-

[5] G. H. Haynes, *The Election of Senators* (New York, 1906), p. 226. Professor Haynes accepted the view that the almost inevitable result of popular election, judged in the light of the history of elective offices, would be a shortening of senatorial careers. *Ibid.*, p. 268.

cerned has been upward. Only a very slight recession was produced by the unusually large number of failures of reëlection as the Republican majority dwindled and finally gave way before the Democratic onslaught in the elections of 1930 and 1932.

Assuming that no other forces have operated to counteract its effect upon reëlections, it is apparent, therefore, that the change in the method of selecting senators has not had the expected results, when consideration is given at once to all states in the Union. What is true for the entire nation applies particularly to the most thinly settled states, where on the whole popular election of senators has been followed by even higher percentages of returns to the Senate. This stands in contrast, however, to the most populous areas, in which an opposite trend has prevailed. This is determined by a comparison of the records of reëlection in the 15 most sparsely settled states, and those in the 15 most densely populated ones, as noted for the period since 1881; and it furnishes an interesting sidelight upon that phase of the subject now under review.[7]

At all times between 1881 and 1911, the figures for the percentages of reëlections were higher for the most populous states, largely the industrial East and Northeast, than for the most sparsely settled ones, comprising mainly the mountainous regions of the Far West. The long-time movements in the case of the former were decidedly upward from 1881 to 1905, moreover, while those in the latter were downward. Reversals in the trends for each group set up began, however, in 1905. During the next six

[6] The percentages of reëlections in 1910, 1912, and 1914 (considering, of course, only those members whose terms expired the following year in each case) were 43.33, 40.62, and 71.87, respectively.

[7] The basis for the selection of these states was, naturally, the population per square mile as given in the United States census reports. The 15 sparsely settled states in 1880 were: Nevada, Oregon, Colorado, Florida, Nebraska, California, Texas, Minnesota, Kansas, Arkansas, Louisiana, Maine, Wisconsin, Mississippi, and West Virginia. As a result of the admission of new states, and shifts in population as well, the composition of this group changed often. At the beginning of the Fifty-third Congress in 1891, for instance, Arkansas, Louisiana, Wisconsin, Mississippi, Maine, and West Virginia were supplanted by six new states: Wyoming, Montana, Idaho, North Dakota, South Dakota, and Washington. According to the 1930 census, the group consisted of Nevada, Wyoming, New Mexico, Montana, Arizona, Idaho, Utah, Oregon, Colorado, South Dakota, North Dakota, Nebraska, Texas, Kansas, and Washington. In 1880, the densely populated states were: Rhode Island, Massachusetts, New Jersey, Connecticut, New York, Pennsylvania, Maryland, Ohio, Illinois, Delaware, Indiana, Kentucky, Tennessee, New Hampshire, and Virginia. Throughout, this list remained rather constant. Only three changes may be noted for the whole period: New Hampshire, Tennessee, and Virginia were replaced by West Virginia, Michigan, and North Carolina, respectively. It should be explained that the shifts made within these two groups of states affected but very slightly at the most the existing trends of percentages for reelections.

years, which correspond fairly closely, it is to be remembered, with the period in which a number of states adopted direct primary laws, the proportion of reëlections in the densely settled states remained stationary at 60 per cent; while in the thinly settled states it increased from 29.02 per cent to 43.33 per cent. For the six-year period during which the Seventeenth Amendment was adopted, the figures for the populous states definitely sought a lower level, as those for the other group continued their upward swing. Although the numbers of reëlections in the most populous states have increased somewhat since 1917, they have not been nearly as high, on the whole, as they were in the years immediately preceding the change in the method of selecting senators. The figures for reëlections in the sparsely settled states, on the other hand, have risen higher and higher from 1917 to the present, despite the large replacements in the membership of the Senate which resulted from the congressional elections of 1930 and 1932.

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**Aggressive Behavior by Clients Toward Public Relief Administrators: A Configurative Analysis.** This study of aggressive behavior by clients on public relief in Chicago in 1932–33 is intended to be relevant to two supplementary kinds of political theory. In so far as relations are found between economic changes and political activity, the findings bear upon the theory of political *equilibrium*, which seeks to state the general conditions under which political changes occur. In so far as relations are found which bear upon the diffusion of specific political symbols and practices, the results are pertinent to theories of political *development*, which emphasize the time-bound aspects of political change.[1]

From the equilibrium standpoint, changes in any variable in a total situation involve substitutive changes among the other variables (including the political variables). In general terms, deprivations (such as reduction of income) may be said to precipitate movements toward the restoration of an indulgent environment. When deprivations are inflicted suddenly upon many members of a community, as in economic depression, efforts to reëstablish income involve concerted action toward the authoritative patterns and practices of the community (including government). If restitutions in the form of "relief," and presently of "recovery," occur, the former equilibrium is reinstated; but prolonged failure to reëstablish income leads to the redefinition of the local equilibrium on a new level (by revolution).

Special interest attaches to the study of those who respond to deprivation by acting with maximum directness upon the environment, since their rôle is so important in political readjustment. We may say that they are probably recruited from among those who have had most experience in asserting themselves in situations of the type now confronting them; and also that they include those who have made relatively large demands on the world, and hence have suffered relatively large recent losses.

Recasting in more definite form for purposes of this investigation, we may say that those who display aggressive behavior toward public relief authorities are probably those who have had most experience with *relief* agencies, and with *government;* that they have previously been assertive against *authority* in general; that they have been experienced in manipulating a *personal* rather than a material environment; that they have made relatively large *demands* on the real world for gratification, and

[1] The self-conscious use of equilibrium and of developmental modes of analysis is included within the *configurative* method of political analysis. This is referred to briefly in Harold D. Lasswell, "The Strategy of Revolutionary and War Propaganda," in *Public Opinion and World Politics*, edited by Quincy Wright (Chicago, 1933), and it is expounded at some length in a volume forthcoming this year.

suffered most substantial recent *deprivations*. The situation in which the relief clients find themselves is thus conceived to elicit behavior which has been organized in earlier situations involving relief, government, authority, and persons; and it is seen as an incident in the sequence of claims and deprivations in the careers of the persons affected.

The findings reported in this paper bear upon theories of political development as well as theories of political equilibrium.[2] Theories of political development emphasize the time-bound and space-bound aspects of political situations, viewing them with reference to the distribution of the principal symbols and practices of political importance. Systematic politics, as one of the writers has said elsewhere, may be conceived as the analysis of the shape and composition of the value patterns of society. Representative values are income, safety, and deference; the élite are those who get the most of any value, and the rank and file get the rest. The ascendancy of an élite is protected by the use of symbols, the manipulation of goods and services, and of violence. Politics is thus viewed as the study of *who gets what when and how*. Political changes of the most importance are those which substantially modify the composition of the élite, and the symbols which they invoke. Such a major change was the Russian revolution of 1917, and one aspect of our problem of correct self-orientation in political analysis is the locating of specific political situations with reference to the diffusion or the restriction of this latest world revolutionary pattern.[3]

The study of aggressive behavior in Chicago in 1932–33 is of interest to theorists of political development since it discloses the situation in a major center of industrial capitalism in the interior of a continent far removed from the radiating nucleus of communism, and remote from defensive dictatorial movements which have restricted the spread of communism in Europe. The year during which these observations were conducted was marked by the emergence of one of the most spectacular of these defensive dictatorships in Europe, bringing the pattern somewhat closer to Chicago, especially in the psychological sense, because of the large numbers of persons of German or Jewish origin.[4]

While several industrial centers in Western Europe were in acute crisis, the extent to which crisis exhibited itself in Chicago was mild indeed.

[2] "Equilibrium" statements will not be carried further; but the data are relevant to the entire theory of human reactions to deprivation. Reference may be made to the abstract of a paper by Lasswell on "The Influence of Prosperity and Depression on Social Attitudes," read before the 1933 meeting of the American Historical Association.

[3] For further elaborations of this point of view, see the lecture first cited.

[4] See Lasswell, "The Psychology of Hitlerism," *Political Quarterly*, July–September, 1933; "The Political Significance of German National Socialism," *Religious Education*, January, 1934.

Rarely did the clients on public relief resort to other than individual symbols and individual efforts to get what they demanded. This comes out very clearly in the sample reported upon in this study; and it is confirmed by supplementary investigations of the organizations in the name of the unemployed, and of organizations which frankly adopted some "revolutionary" name. From the data collected in 1933 we have established some bases of comparison which may be utilized in following the subsequent transformations of aggressive behavior, especially the possible growth or further decline of resorts to organized methods of rendering individual demands more effective. If the center of revolutionary and counter-revolutionary dictatorship moves closer to Chicago, the accompanying redefinitions of behavior may be very clearly exhibited by studies conducted by the present method; if additional layers of the population become "radicalized," we shall see whether their characteristics square with the indications found in the present inquiry.

Events are significant to the political analyst, then, in a twofold sense: they exhibit certain relations between social variables, and they display the diffusion or restriction of the historical symbols in the name of which élites are competing with one another in the time-bound processes of political development. The self-conscious examination of both the equilibrium and the developmental significance of a given situation is included within the configurative method of political analysis which it is the function of the present paper to exhibit.

This particular investigation was conducted by procedures which are in some respects novel. Clients on public relief have an opportunity to display their aggressiveness by their behavior at the complaint desks of the relief stations, where they are permitted and expected to come when anything goes wrong. It was decided to devise a standard method of recording the behavior exhibited by relief clients at one of the principal relief stations in Chicago, and to see whether the "aggressive" group (contrasted with a "submissive" group) was recruited from among those anticipated on the basis of our hypotheses. The missing personal data could be secured from the case records prepared independently. A sample of 100 aggressives and 100 submissives was selected from the total number observed, and their case histories tabulated, with results which are reported here.

II

The complaints aides at the Halsted district of the Unemployment Relief Service agreed upon a list of adjectives which characterized from their points of observation the range of affect within which the behavior of the relief clients varied. They considered the following kinds of behavior nonaggressive: "requesting," "pleading and complaining," "formal and reserved," "submissive," "confused," "compulsive," or "insistent." They

considered the following kinds of behavior aggressive (including both active and passive types): "demanding," "threatening," "arrogant," "clear cut and concise," "wise cracking," "loses control," and "curries favor." Each one of these adjectives was abbreviated by a letter of the alphabet. The behavior of a client making a request might thus be characterized as CDH, which would indicate that he had demanded, threatened, and had spoken in a clear-cut and concise manner. The sampling was selected from those clients with whom there were five or more rated contacts.

In order to determine the reliability of the procedure, one of the aides observed the interviews of the other four and recorded his impressions from these simultaneous observations. This check experiment revealed that while ratings varied from aide to aide in terms of the degree of completeness with which a reaction was recorded, there was no single instance in which the checking aide regarded behavior as aggressive and the other aide non-aggressive, or the converse. Examination of the census data for 1930 was made in order to determine the representativeness of the sampling. Checking the sampling with the community by means of such indices as population composition, occupation, home-ownership, and rental revealed that the sampling fell within the community norms.

III

The first hypothesis as to a possible differential between the aggressives and the non-aggressives related to the degree of familiarity achieved through length of contact with the Halsted district of the Unemployment Relief Service and agencies similar to it in purpose and procedure. Tabulation of the data revealed that the bulk of the aggressives made first application during the eighteen months from July, 1931, to December, 1932. The bulk of the non-aggressives made application during 1933. Taking broad averages, the typical aggressive would have had the advantage of two years' experience with the Halsted district office, the non-aggressive but one year.

Tabulation of the data relating to previous experience with welfare and relief agencies indicated that 60 per cent of the aggressives had contact with social agencies between 1911 and 1930 and 68 per cent of the non-aggressives between 1930 and the present. The typical aggressive had contact with welfare and relief agencies dating back to 1926, the typical non-aggressive since 1930. The first hypothesis, therefore, relating to previous experience with similar public and private agencies was documented rather impressively by the above summarized differentials.

IV

The relationship at the relief office was judged, secondly, as one of applicant and government. And previous contact with government of whatever nature it might be would play a predisposing rôle in the kind of be-

havior evoked in such an institution. Government as defined here includes party authorities, such as precinct captains or ward committeemen. Both frequency and type of previous contact with government are relevant. Governmental or party authorities could have played an indulgent rôle by giving them jobs, interceding for them at the relief office, or conferring bonus or disability allowance for war service. Governmental authority could have played a penalizing rôle by imposing sanctions in all degrees of severity; and it could have played an impartial rôle, granting citizenship, calling to jury service, or judging between parties in civil suit.

TABLE I. POLITICAL JOBS

| Kind of Employment | Per Cent | |
|---|---|---|
| | Aggressives | Non-Aggressives |
| Election canvassing and employment | 9 | 0 |
| Permanent job | 11 | 1 |
| None | 80 | 99 |

Table I indicates that 20 per cent of the aggressives had some kind of government employment as opposed to 1 per cent on the part of the non-aggressives. Of this number, 11 per cent of the aggressives had had relatively permanent work with some governmental agency. This clear differential can be interpreted as yielding two insights into the problem. First, the aggressive had seen government from the "inside," second, he had so manipulated politicians in the neighborhood that he was rewarded with this employment.

TABLE II. POLITICAL INTERCESSION

| Number of Letters | Per Cent | |
|---|---|---|
| | Aggressives | Non-Aggressives |
| 1 | 7 | 4 |
| 2 | 6 | 1 |
| 3 | 3 | 0 |
| 4 | 1 | 0 |

A similar interpretation would hold for Table II, where, it appears, 17 per cent of the aggressives as opposed to 5 per cent of the non-aggressives had resorted to political intercession at the relief station. The differential is even more impressive if one considers the frequency of intercession, for the ratio would then be 27 per cent to six per cent. Here, contact with authority in the form of precinct captains, aldermen, ward-committeemen, state senators and representatives, and federal congressmen would indicate first, evidence of familiarity with authority,

and second, evidence of the facility of the aggressives in exploiting the available manipulative techniques.

The question arises as to what would be the predisposing effect of a penal contact with government. Here we are dealing with an offender against that part of the *mores* which has been crystallized in law. Such an offense is penalized in all degrees of severity. Presumably the gravity of the offense would be commensurate with the severity of the punishment. We may therefore consider the following tables in terms of the degree of the penal sanction, assuming that the gravity of the offense would be indicative of the degree of aggressive behavior involved in the offense.

TABLE III. PENAL CONTACTS WITH PUBLIC AGENCIES

| Number of Contacts | Per Cent | |
|---|---|---|
| | Aggressives | Non-Aggressives |
| 0 | 78 | 89 |
| 1 | 15 | 8 |
| 2 | 5 | 3 |
| 3 | 1 | 0 |
| 4 | 1 | 0 |

Table III records penalties applied by family governmental agencies such as the Court of Domestic Relations, the Juvenile Court, or the Juvenile Protective Association. The sanction may be in the form of an admonition, close supervision of the family, and in some cases imprisonment for desertion or for non-payment of alimony. The supervision of the children by the Juvenile Court or the Juvenile Protective Association usually involves some punishment of the parent or parents, as taking the children out of the home or subjecting the home to close supervision. We find 22 per cent of the aggressives with one or more contacts with these or with similar agencies, contrasted with 11 per cent on the part of the non-aggressives. Differential damage at the hands of these agencies can be interpreted as contributing to aggressive behavior in so far as contact with governmental authority would render it a more familiar symbol; damage at its hands would provoke resentment toward government; and offense would indicate earlier aggressive behavior.

TABLE IV. OFFENSE AGAINST "MORES"

| | Per Cent | |
|---|---|---|
| | Aggressives | Non-Aggressives |
| Offense | 37 | 7 |
| Arrest | 20 | 3 |
| Imprisonment | 11 | 2 |

The offenses recorded in Table IV are those for which there are penal sanctions, some of which have not been applied, possibly because of clemency, non-discovery, or non-apprehension. The ratio of 37 per cent to 7 per cent for the incidence of offense among the aggressives as contrasted with the non-aggressives yields a clear differential in respect of this important factor. The differential of 20 per cent to 3 per cent in arrests and 11 per cent to 2 per cent in imprisonments is again significant as indicating the gravity of the offense; for these are offenses against the *mores* in respect of which some penal sanction has been taken.

Contact with the courts in civil suits and evictions was also judged as a predisposing factor in the orientation of the client in the relief agency. Tabulation of this data indicated a ratio of 29 per cent to 19 per cent with respect to such contact. Being a party to eviction proceedings or a defendant in a civil suit would involve, because of the poverty of the individuals under consideration, some loss or damage through the agency of government. It is a tenable hypothesis that such damage might be attributed to government, and serve as a source of resentment of governmental authority.

V

Certain of the relationships between aggressiveness and governmental authority were explored in the previous section. It would also follow that conflict with non-governmental authority and with non-legal *mores* would predispose toward aggressive behavior, and might be further assessed as playing a rôle in its evocation or aggravation. Non-governmental authority refers to family, church, occupational, and similar relationships—parents, priests, employers. It refers also to uncodified usage and social bias, the sanctions for which are less palpable. The early family history of these individuals not being readily available, only a few of the many possible indices were isolated.

The following offenses against the *mores* or authoritative standards were considered as revealing indices with respect to differential anti-authoritarian behavior on the part of the aggressives: 10 per cent of the aggressives as contrasted with 1 per cent of the non-aggressives had offended by drunkenness and disorderly conduct; 4 per cent of the aggressives as contrasted with 1 per cent of the non-aggressives were guilty of petty thefts; and 16 per cent of the aggressives as contrasted with 2 per cent of the non-aggressives had deserted their families one or more times.

Intermarriage and church attendance were also considered as relevant indices to previous anti-authoritarian behavior which would predispose an individual in dealing with an authoritarian agency. The only two recorded cases of intermarriage which would involve a grave flouting of authority were found among the aggressives, a white-colored intermarriage and the marriage of a Jew and a Gentile. Seven per cent of the

aggressive religious intermarriages were between Protestants and Catholics as contrasted with none on the part of the non-aggressives. Thirteen per cent of the aggressives married outside their nationality as compared with 5 per cent of the non-aggressives. In summary, 26 per cent of the aggressives, as compared with 8 per cent of the non-aggressives, had married outside their affiliations. We have here an index, first to anti-authoritarian, anti-*mores* behavior, and second to the relatively wider range of social affiliations within which the aggressives operated.

The neighborhood from which the sampling was taken was one in which church attendance is more or less taken for granted Consistent non-attendance would thus represent a relatively serious break with the community norms. Here, 6 per cent of the aggressives, as contrasted with 1 per cent of the non-aggressives, had made such a break.

VI

The relationship between complaint aide and client has been predicated as first, a relief, second, a governmental, third, an authoritarian, and fourth, a personal relationship. What background factors would lend facility to the client in manipulating a personal, in contrast with a material, environment? Three factors were judged to be peculiarly relevant, and many of the above and following indices may be used as cross-references. The first relationship which was considered as of high significance in rendering an individual more facile in dealing with persons was the occupational. A distinction can be drawn between occupations in terms of the kinds of objects upon which the individual operates, whether these be persons or machines and materials, whether an individual is a salesman, a foreman, a street car conductor, or a mechanic, a machine tender, a common laborer. Seventeen per cent of the aggressives, as contrasted with 9 per cent of the non-aggressives, dealt with persons in their occupations.

The second factor which was considered of primary importance was formalized collegial affiliations such as union and lodge memberships. Here presumably would be an opportunity for an individual to acquire facility in articulating his demands, besides the acquisition of supporting collective symbols and familiarity with organizational complexities. Twenty-four per cent of the aggressives, as contrasted with 9 per cent of the non-aggressives, were members of trade unions.

Education also would constitute a revealing index to the acquisition of such a significant skill in dealing with persons as verbal facility. Although the educational level was uniformly low for the sampling and the neighborhood, 45 per cent of the aggressives, as contrasted with 10 per cent of the non-aggressives, had completed grammar school.

The material presented above records the relative skills acquired by aggressives and non-aggressives through contact with welfare, govern-

mental, authoritarian, and personal entities. It was thought that the incidence and nature of such contact would by frequency serve as an index to aggressive behavior, by rarity serve as an index to non-aggressive behavior. It was thought further that the relative frequency of such relationships would serve to evoke latent aggressiveness, through augmenting familiarity, and through damage and deprivation. It was further considered that damage at the hands of formal governmental agencies, or authoritarian agencies, authoritarian conflict of whatever nature it might be, might serve to render an individual aggressive, or potentially active politically. The first four hypotheses thus indicate the experiential factors which would predispose behavior in a specific relationship which has been characterized, first, as public welfare authoritarian, second, as governmental authoritarian, third, as authoritarian, and last, as interpersonal. And the above tables reveal a clear differential in favor of those individuals who were characterized as aggressive by the ratings of the complaint aides.

VII

The situation was also defined in the preliminary hypotheses as one of demand and deprivation, and the demand and deprivation history of the client would play a significant predisposing rôle in the evocation of aggressive behavior. Under this heading of claims, or demands and deprivations, are considered the income, debt, and wealth history, the relative familiarity with the environment, the age range, danger in or shifts in occupation, and physical and psychic damage. The claims or demands referred to are those made upon the real environment, upon the socially defined goods and services.

Tabulation revealed that the majority of the aggressives earned incomes between $21 and $40 a week, the majority of the non-aggressives between $10 and $30. The relative wage of the aggressives and the non-aggressives would serve as an index, first, to their differential demands upon the values in society, second, to their skill in asserting these demands, and last, to their differential damage through unemployment and application for relief.

Six per cent of the aggressives and 1 per cent of the non-aggressives had formerly occupied some managerial position. This contrast would seem to reflect, first, relatively higher claims upon income and prestige, relatively higher skill in assertion, and relatively more grave damage by the present reversal of rôles.

A supporting index to differential claims, skills, and deprivations is revealed in tabulation of rentals before and after application for relief. The majority of the aggressives paid rentals between $16 and $25 before application for relief, between $11 and $20 after. Among the non-aggres-

sives, we find the majority paying rentals before application from $5 to $20 and after application from $5 to $15.

Tabulation revealed that the average age of the aggressive was 35 years, that of the non-aggressive 42 years. The majority of the aggressives were between 31 and 35 years of age, of the non-aggressives between 41 and 45. The older the individual the more have his aims and wants been circumscribed and defined. The aggressives thus falling into the younger category would be more likely to over-assert their claims, since their orientation has been less well defined.

Relative familiarity with the environment would exercise some effect upon claims and skills in assertion. How can this particular social context be characterized? First, it is an American community, second, it is an urban community, and last, it is an industrial community. Presumably those individuals who had spent the larger part of their lives in an American, urban, industrial community would, first, have higher claims upon the values, and, second, relatively more skills in asserting those claims, since the language and usage of the community do not constitute an obstacle. It was our hypothesis, therefore, that as the background of an individual was in degree dissimilar to the one in which he is at present placed, so in proportion his claims and his skills in assertion would diminish.

Seventy-one per cent of the aggressives, as contrasted with 42 per cent of the non-aggressives, were native-born. Of the non-aggressive total, 26 per cent were Negroes, deriving in great part from Southern rural communities. The contrast between 71 per cent and 42 per cent for the incidence of foreign and native origins becomes more impressive when one examines Table V.

TABLE V. URBAN-RURAL ORIGINS (MOBILITY)

| | Per Cent | |
|---|---|---|
| | Aggressives base 71 | Non-Aggressives base 42 |
| Metropolitan areas | 58 | 18 |
| Midwest urban | 20 | 6 |
| Midwest rural | 5 | 9 |
| West urban | 1 | 0 |
| West rural | 0 | 0 |
| East urban | 0 | 0 |
| East rural | 0 | 0 |
| Southern Negro urban | 8 | 18 |
| Southern Negro rural | 1 | 45 |
| Southwest white urban | 5 | 0 |
| Southwest white rural | 2 | 4 |

Here we discover that 92 per cent of the native-born aggressives, as contrasted with 42 per cent of the native-born non-aggressives, came from urban areas. Fifty-eight per cent of the aggressives, as opposed to 18 per cent of the non-aggressives, were born in metropolitan industrial areas. These sets of figures would seem to document the hypotheses stated above that as the background of an individual was in degree dissimilar to an American, urban, industrial, social context, so in proportion his claims and skills in assertion would diminish.

The clear differential as to real property ownership on the part of the non-aggressives, revealed by the tabulation of 23 per cent to 9 per cent, indicated the manner in which the non-aggressives, faced with a confusing social context, make their claims upon values. The figures do not represent real property promotions, but the purchase of small homes, heavily encumbered and constantly threatened with foreclosure. This application of the peasant-rural pattern in a new social context reveals an immigrant, peasant, non-aggressive trait, the trait of seeking orientation in the soil of the relatively unstable, urban, industrial environment. The claims of the non-aggressive would seem to be timid, or minimal, as contrasted with those of the ~~non~~-aggressives.

TABLE VI. CITIZENSHIP

| | Per Cent | |
|---|---|---|
| | Aggressives | Non-Aggressives |
| By birth | 71 | 42 |
| Naturalization | 22 | 41 |
| First papers | 6 | 4 |
| No attempt | 1 | 13 |

In Table VI, the figures on citizenship are recorded. Citizenship here is interpreted, first, as a skill in orienting one's self in a new social context, second, as a contact with government, and lastly, as an index to relative attachment to old loyalties. The most significant figures are those listed under "no attempt," where the proportion of 13 per cent to 1 per cent in favor of the non-aggressives, would, despite the greater proportion of foreign-born in this category, seem to indicate the relative reluctance of the non-aggressives in making new formal allegiances and their relative unfamiliarity with a new social context.

Having endured danger in one's occupation would be of primary importance in rendering an individual at ease and articulate in a situation of threat or danger. Presumably damage by depression would constitute such a threat, and the relief situation with all its uncertainties would have similar elements. Sixteen per cent of the aggressives, compared with 5 per cent of the non-aggressives, had worked in occupations considered as "dangerous," judging by the high life insurance rates.

A tabulation of occupational mobility revealed that 28 per cent of the aggressives, as opposed to 13 per cent of the non-aggressives, had three or four shifts in occupation. Greater mobility in occupation serves as an index to a relatively greater number of skills, to relatively wider social affiliations, and to relatively higher claims upon values.

Six per cent of the aggressives, as compared with none among the non-aggressives, had been characterized in the case records as neurotics. Ten per cent of the aggressives, as compared with 6 per cent of the non-aggressives, suffered from some permanent physical impairment. Such physical and psychic damage is commonly interpreted as resulting in over-compensation, one of the forms of which would be over-assertion, or aggressiveness.

VIII

This research may be summarized as to method, technique, and findings. The method of configurative analysis dictated the choice of the problem, and the consideration of the details with reference to theories of political equilibrium and to theories of political development. The technique of field observation by participant observers coming into frequent but casual contact with the persons studied is capable of being widely adapted and extended. The findings bear upon the theory of political equilibrium, rendering more definite the characteristics of those who are active in relation to the social environment when deprivations are inflicted upon them (in this case, withdrawal of income). Aggressive acts were studied in relation to an indulgence (relief) situation which was afforded to those whose incomes were wiped out, and whose reserves were depleted. Aggressiveness was found to be most frequent among those who were familiar with this particular type of situation, and with government. Aggressiveness was also frequent among those whose careers showed the greatest deviations from conventional behavior, and who were most experienced in managing a personal environment. Aggressiveness was frequent also among those who in the past had made relatively large and successful claims on the world for the available values (such as income), and whose deprivations were both large and recent. This should be qualified by saying that the persons studied were not recruited from those who in prosperous times were in the upper income brackets of the community; but within the lower income layers, the relationship between substantial income and assertiveness in deprivation is clear.

The findings also bear upon a developmental theory of politics which seeks to construe political details in relation to the center of origin and diffusion of the latest world revolutionary pattern, and in relation to the next world revolutionary center and pattern. The data show how little affected the community remained by the revolutionary slogans and

practices, and by the defensive dictatorial movements in and around the Soviet Union. Those who behaved aggressively were rarely affiliated with organized movements of collective protest, and rarely invoked collective symbols to reënforce their private demands. The present technique of observation could be re-applied through time in order to gauge the rise or fall of concerted and of private aggressiveness.

More intensive case studies will disclose more minute circumstances which generate aggressiveness; more extensive observation of collective behavior will keep these intensive researches in sound relation to the distribution of typical incidents along the career lines of those who live in a given culture at a given period. Certain of these concurrent studies are in progress.

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**The Revolutionary Logic of the General Strike.** Spanish and Cuban events during the past three years, and the recent labor disputes on the Pacific coast, have once again brought the general strike into the limelight. The abdication of King Alphonso and the flight of President Machado showed the potentialities of a successful general strike when labor faces the revolutionary logic of that weapon. The San Francisco *débacle* proved the futility of that method when labor refuses to admit its revolutionary implications.

Ten years of intensive study of the general strike, as used by labor over a century of time, on every continent in the world, have impressed upon the writer the tragic fascination which this double-edged weapon possesses for the workers, whenever they are unable to find adequate expression for their grievances through normal, constitutional channels. Nearly two score serious general strikes have occurred in these hundred years. Scarcely a European nation of importance has escaped at least one experience. National and racial groups as varied in temperamental make-up and efficiency of labor organization as Great Britain, Italy, Argentina, and China have used the weapon, which must, therefore, be accepted as a technique of protest worthy of attention by political scientists. The

[1] Acknowledgment for coöperation which made the completion of this study possible is due primarily to Miss Sonya Forthal, of the University of Chicago, who contributed both to the formulation of problems and to the reading of case-records. Thanks are due also to Mrs. J. D. Twitchell and Miss Margaret Diers, both supervisors of the Halsted district of the Unemployment Relief Service during the progress of this investigation; to Mr. Joseph L. Moss and Mrs. Edward J. Lewis, director and assistant director, respectively, of the Cook County Bureau of Public Welfare, who permitted the investigators to read the case-records; and to the complaint aides who consented to make the ratings over the six-month period.

writer is concerned in this article with exposing the implicit revolutionary logic contained in even the most peaceable general strike.

In every general strike, organized labor sets up a dual or rival government, by the purposeful and general cessation of its normal functions. When workers in a single trade or industry go on strike, this revolutionary logic is seldom involved, unless a vital public service is affected, such as the police force or hospital and medical service. It is when a strike takes on the gravity of a general cessation of work that it contains a tacit challenge to the continued functioning of social life and thereby brings in against it the forces of the existing government. It is then that an incipient rival government can be found, no matter how orderly the strike may be, nor how fervently its leaders proclaim their non-political aims.

In popular usage, the phrase "general strike" is applied carelessly to any generalized strike in a single industry, such, for example, as a nation-wide strike in the textile or mining industry. At the other extreme, it is contended, by Professor E. T. Hiller in the United States and by followers of Georges Sorel in Europe, that no really general strike has ever occurred, or indeed could ever occur; that it is in fact only a social myth, useful to stir the mass emotions of the workers in the perpetual class struggle.[1] It seems to the writer that such an attitude overlooks the practical facts of life. It seems fair enough to hold, with the late Jean Jaurès, that when a majority of the workers in the key industries of a region or a nation cease work, then for all practical purposes there exists a general strike.[2]

For purposes of discussion, the writer has classified general strikes, so defined, into three types, (1) economic, (2) political, and (3) revolutionary. Any one of these may change gradually or swiftly into one of the remaining two. The criterion of classification in every case is the expressed aim of the strike, as found in the statements of responsible labor leaders.

The economic general strike is, in its inception, a protest against some real or imagined economic injustice to fellow workers. Some criticism may be made of the two remaining types, as both being political. This is true enough in the larger sense. But for practical purposes a real distinction is made by strike leaders themselves between the *political* general strike, which "directs its efforts against the State," yet "does not seek to transform society, but rather to make the political masters yield," and the *revolutionary* general strike, in which the leaders aim from the outset to introduce confusion into the life of the State and overthrow the existing order. In this distinction, the strike leaders have the support of such writers as Roland-Holst, Werner Sombart, and Trotsky.[3]

[1] E. T. Hiller, *The Strike*, Chap. xx; Sorel, *Reflections on Violence*, pp. 2, 136.

[2] In Lagardelle, *La grève générale et le socialisme*, pp. 97–99.

[3] Roland-Holst, *Generalstreik und Sozialdemokratie*; Sombart, *Der Proletarische Sozialismus*, II, p. 241; Trotsky, *Russland in der Revolution*, p. 228.

It would be superfluous, by the very definitions used above, to argue the existence of a rival government where a revolutionary general strike is concerned. The Hispanic nations of the old and the new world, Italy, and Russia provide ample instances of this type of general strike. It is not so simple a matter to prove the implicit revolutionary logic behind the political general strike. Twenty years ago, Ramsay MacDonald somewhat reluctantly admitted that the general strike might be used "for political purposes . . . to secure some specific demand, say the extension of the franchise, the resignation of a government, or the defeat of a war party," but added that "in the nature of things, before the strike can be successfully declared the grievance which it is aimed to remove must have become intolerable."[4]

In similar manner, the German Social Democrats, in their congress at Jena in 1905, approved of the general strike weapon for uses that were not of a distinctly revolutionary character: "In case of an attack on universal, direct, equal, and secret suffrage, or on the right of combination, it is the duty of the entire working class to employ vigorously every weapon of defense that seems appropriate. As one of the most effective weapons to repel such a political crime against the working class, or to capture an important right as a basis for its emancipation, the congress recommends in the case given, *the most comprehensive application of the general refusal to work.*"[5] Despite the careful limitation thus set to the use of the general strike as a political weapon, in many, if not in all, such strikes there can be found an undercurrent of criticism of the existing form of government, with the implication that stronger, perhaps even more revolutionary, methods would be used if the more orderly political strike should fail.

Two instances out of many must suffice to point the argument. During an Italian general strike which occurred some thirty years ago, in protest against the use of the military in labor disputes, the Milan Chamber of Labor endeavored to persuade the proletariat that it had become the "supreme mistress of the nation." An editorial in the strike bulletin averred: "The Chamber of Labor, in the name of the Milanese proletariat, has virtually taken possession of public power, and now practically works the administrative and political mechanism of the town, which facts assume a profoundly revolutionary significance, showing the proletarian capacity to manage the proletarian commune. Milan resists, Milan is in the streets, Milan proclaims the cessation of work, Milan imposes the general strike on Italy. Milan is no more the town of all, but the town only of the proletariat."[6]

[4] *Syndicalism*, p. 61.
[5] Spargo, *Syndicalism, Industrial Unionism, and Socialism*, Appendix, p. 216.
[6] S. Cortesi, *Independent*, Dec. 15, 1904, p. 1390.

The second instance is taken from the conservative records of organized labor in Great Britain in 1920. In the face of an imminent outbreak of war between Soviet Russia and Poland, with the probability that British armed forces would also be involved, the Labor party and the trade union executives hastily formed a "council of action" to prevent war, if need be by the complete cessation of labor throughout Great Britain. At the convention constituting this council of action, Mr. J. H. Thomas of the railwaymen's union, later a member of two British cabinets, urged the adoption of the resolution, strong opponent as he was of direct action for any ordinary purpose, political or economic. "When you vote for this resolution," he declared, "do not do so on the assumption that you are merely voting for a simple down-tools policy. It is nothing of the kind. If this resolution is to be given effect, it means a challenge to the whole constitution of the country."[7]

It is far more difficult to prove the economic general strike revolutionary in its basic logic, particularly in those instances in which the strike leaders frantically assert the strictly economic aim of the dispute, as was the case in the British national strike of 1926. The economic general strike grows out of a smaller dispute, where it is possible to make very clear to vast numbers of workers in other industries the economic injustice involved in the original struggle. A sympathy strike of this type calls for more undiluted sacrifice by all workers not concerned in the original dispute, for in this type of general strike the vast majority stand to lose a great deal in wages and in security of employment, but to gain nothing for themselves, not even the right to vote. The issue, therefore, must so clearly appeal to all wage-workers as to approach closely to the issue of the class struggle.

The purpose underlying an economic general strike is evident to any dispassionate observer. It is to force the general public, who are not taking part in the strike, to become umpires between the ranks of striking workers on the one side and the massed forces of capital and the government on the other. Labor usually fails to recognize, however, that the general public will not long remain content to hold the rôle of umpire, once its own position becomes uncomfortable or perilous.

The leaders of an economic general strike do not have to act as if they

[7] A. G. Cameron, then chairman of the Labor party's executive committee, was even more explicit in his speech. "If the day should come," he said, "when we do take this action, and if the powers that be endeavor to interfere too much, we may be compelled to do things that will cause them to abdicate, and to tell them that if they cannot run the country in a peaceful and humane manner without interfering with the lives of other nations, we will be compelled, even against all constitutions, to chance whether we cannot do something to take the country into our own hands for our own people." Cf. the Council of Action, Report of Special Conference on Labor and the Russo-Polish War, pp. 16, 18.

felt themselves to be a rival government. It is enough that the strike orders, given by them to the labor ranks, should in effect select the essential public services that shall continue to function. To discover the rival government in action, it is therefore necessary to turn to the interpretation of the general strike orders by the ranks of labor. Evidence will be found most abundantly in the granting or withholding of permits to work issued by the various strike committees, and in the conception of their own function held by those committees.

Four outstanding examples of a strictly economic general strike provide ample data for the discussion in hand, occurring in Sweden in 1909, in Seattle and Winnipeg in 1919, and in Great Britain in 1926. In all four instances, many citizens and most newspapers believed that the strike was the beginning of a revolution. In actual fact, this fear was not justified by the behavior of the strikers. Even in Winnipeg, where alone serious riot and disorder occurred, the struggle did not become violent until six long weeks of strike had passed.

An increasing use of the lock-out weapon by the Swedish employers' associations in 1909 caused the Federation of Labor (*Sveriges Landsorganisation*) to declare a general strike. At the same time, the Federation made significant gestures of governmental authority by deciding what kinds of labor should be exempted from the strike call. All whose task was the care or transportation of the sick or the care and feeding of animals were to continue at work. In each instance, the exempted workers received special permits from their local strike committees, lest any suspicion of treachery to their fellow-workers should fall upon those who did not strike. The strike committees went so far as to raise and control their own special police force, allegedly for the purpose of preserving order during the strike. The president of the Socialist party urged that the strikers' attitude be such as to provoke the favorable intervention of the people as a whole. The Swedish government recognized the serious challenge to its authority and refused to take any mediatory step so long as the strike remained general, inasmuch as such a strike was a threat to the continued functioning of society.[8]

In Seattle, a startling editorial appeared in the daily labor paper, the *Union Record*, shortly before the strike broke out: "Labor will feed the people! Twelve great kitchens have been offered, and from them food will be distributed by the provision trades at low cost to all. Labor will care for the babies and the sick! The milk-wagon drivers and the laundry drivers are arranging plans for supplying milk to babies, invalids, and hospitals, and taking care of the cleaning of linen for hospitals. Labor will preserve order. The strike committee is arranging for guards and it is expected that the stopping of cars will keep people at home. Not the

[8] W. H. Crook, *The General Strike*, pp. 124–138.

withdrawal of labor, but the power of the strikers to manage, will win this strike. Labor will not only shut down the industries, but labor will reopen, under the management of the appropriate trades, such activities as are needed to preserve public health and public peace. If the strike continues, labor may feel led to avoid public suffering by reopening more and more activities, under its own management."

City firemen were instructed to stay at their posts, garbage-wagon drivers were told to collect garbage, but to leave ashes and paper. Auto drivers might drive the mail and answer emergency calls for funerals and hospitals, if those calls were made through the office of their trade union. A police force of unarmed war veterans was organized to aid the strike committee in the preservation of order.

Popular recognition of the de facto government of the strike committee was evident, the *Nation* reported: "Before the committee appeared a long succession of business men, city officials, and the mayor himself, not to threaten or bully, but to discuss the situation and ask the approval of the committee for this or that step. Heads of business houses, little used to asking permission of employees under any circumstances, wrote formal, courteous letters to the committee, exactly as they would have written to any recognized municipal official or department, setting forth their reasons why some business operation should be allowed to go on, and asking the privilege of continuing it."[9]

During a speaking tour in the East, Mayor Ole Hanson declared of the struggle in his city: "The general strike, as practised in Seattle, is of itself the weapon of revolution, all the more dangerous because quiet. To succeed, it must suspend everything; stop the entire life stream of a community. That is to say, it puts the government out of operation. And that is all there is to revolt, no matter how achieved."[10]

In Winnipeg, the general strike was longer and more stubborn than in Seattle, and no attempt was made by labor to run the public services. The strike committee saw the logic of its position and recognized that the government and the citizens must be responsible for the vital public services, if they were to run at all. The only exemptions from the strike order, as far as the first day was concerned, were the members of the police force and the workers in the domestic water-supply plant. Workers in the high-pressure water plant, in the light, power, and street cleaning departments of the city, even in the fire department, were all called out. The only telegraphic messages allowed to pass were those concerned with health, the moving of troop trains, or with business of the provincial government. On the second day of the strike, the strike committee, having shown its power, ordered back to work the milk and bread delivery men, but with special signs exhibited on the sides of their autos,

[9] March 29, 1919.

[10] *Boston Herald*, Feb. 17, 1919.

"Permitted by Authority of the Strike Committee." But for a strong citizens' organization of volunteers, the city would have been in a sorry plight before the power of the organized strikers.

The greatest economic general strike in labor history occurred in Great Britain in May, 1926, the result of long-standing troubles in the coal-mining industry. Responsible leaders of the general council of the Trades Union Congress emphatically denied that they were attacking either the government or the general public. Constantly the strike sheet, the *Daily Worker*, emphasized the purely industrial aspect of the dispute. Nevertheless, the same evidence of the existence of a rival government can be found in the acts of the various strike committees.

The Rt. Hon. Winston Churchill declared that British labor was prepared with a scheme for paralyzing the nation. Nothing was farther from the truth. The government itself was thoroughly prepared and at least two strong citizens' groups had been organized to meet the general strike peril many weeks before it occurred. Labor alone was appallingly unready to face the logic of its action. Its plans were in chaos until two days before the strike actually commenced. Even then, a further forty-eight hours were required to untangle the maze of orders and counter-orders issued from the London headquarters of the strike.

The London labor leaders offered to run enough trains and road transportation to feed the nation, a sample of their refusal to face the problems of a really effective general strike, and yet in itself a significant instance of their tacit assumption of authority. Churchill's reply indicated that the government, of which he was an important part, had no illusions as to such an offer. "What government in the world," he asked, "could enter into a partnership with a rival government, against which it is endeavoring to defend itself and society, and allow that rival government to sit in judgment on every train that runs and on every lorry on the road?"[11]

The leaders of the railwaymens' unions saw the issue more clearly. They ordered their members to cease work on *any kind of traffic*, food or merchandise. They recognized that if trains were to run, the government must find other hands to run them. When the strike was over, Mr. C. T. Cramp, industrial secretary of National Union of Railwaymen, addressing his own members, admitted that the struggle really had been directed against the government.[12] The London strike leaders offered further evidence of their assumption of governmental authority when they ordered the local strike committees throughout the nation to provide light and power for

[11] *Hansard*, May 3, 1926, col. 123.

[12] "Although denials were made that this was a struggle against the government, it obviously was such a struggle. The mine-owners were not affected by a strike of men other than miners. It therefore was a struggle to compel the government to take action." *Railway Review*, June 18, 1926, p. 3.

"house, street, and shop lighting, for food, bakeries, and laundries." The technical ignorance behind such an order was at once made apparent by the electrical unions, and the men were thereupon ordered back to work by the London leaders.

A few examples of local assumption of authority by strike committees must complete this argument. The Birmingham strike committee granted exemption permits only to what they considered essential services, and then only when run by union labor. Coal for hospitals was allowed transportation, but permits were refused to cement, sewer pipes, and brass dressing. In one district of northern England, beer was declared a non-essential by a dry strike committee, a decision which caused immediate friction between that committee and the local coal miners, on whose behalf the whole strike was being conducted! In Edinburgh, the local ball-park was filled with impounded vehicles, held there by strike pickets until individual permits and trade union drivers were obtained. The police chiefs of most cities made emphatic announcement that such granting and withholding of permits by strike committees was wholly illegal. This merely added to the existent "liveliness" of the situation.

The common attitude of the strike committees toward their own function during the strike can best be seen in a naïve comment of a strike-leader in one of Arnold Bennett's *Five Towns*. Referring to the employers who were coming to the strike committee "cap in hand" to ask for permits to move their goods, he said: "Most of them turned empty away after a most humiliating experience, for one and all were put through a stern questioning, just to make them realize that we and not they were the salt of the earth."[13]

The British government and the press promptly raised the issue of "civil war," and the government organ, the *British Gazette*, spoke glibly of the the strikers as "the enemy." Yet no impartial student of the British national strike can question that the vast majority of the strike leaders had not the slightest desire to overthrow the existing form of government, A. J. Cook, the radical leader of the miners, notwithstanding. At the same time, no student can doubt that the orders of the strike leaders, as interpreted and practised by the local strike committees and the ranks of the strikers, did logically constitute an attempt to set up a rival authority to that of the legitimate local and national governing bodies. If that contention be granted in the case of so peaceable an economic general strike, it would seem that the revolutionary logic of all three types of the general strike has been proved.

An apparent exception to this rule remains—the strike in Germany called by President Ebert and his cabinet in 1920 to prevent the reaction-

[13] *Sheetmetal Workers' Quarterly*, Oct., 1926, quoted in Postgate, *A Workers' History of the Great Strike*, p. 34.

ary Kapp *Putsch* from overthrowing the Republic. Yet, when carefully considered, this apparent exception proves the writer's thesis even more emphatically. When Kapp with his "Baltic Brigades" swept into Berlin, the Ebert cabinet quietly slipped away to distant cities, admitting by that act their temporary loss of supreme power, at least in the nation's capital. Having failed in its own right, fearing to trust further any of its military or police forces, the Ebert government possessed but one Caesar to whom it might appeal for aid, the ranks of the German workers. By its call for a general strike, the Ebert cabinet abdicated, at least for the time. The behavior of the strikers after the ignominious retreat of Kapp and his brigades is evidence of this. To the Ebert cabinet's appeal for an immediate return to work throughout the nation, now that Kapp had departed, the strikers in Berlin and the Rhineland, who had borne the brunt of the struggle against the *Putsch*, refused to return until the Ebert government had given pledges of power and determination to punish Kapp and his fellow rebels.

The government gave those pledges and the strike ended; but the pledges were not kept. War minister Noske, with troops that had been in sympathy with the Kapp ring-leaders, proceeded to punish, not the Kappist rebels, but the unhappy strikers who had risen and armed themselves throughout the land. The correspondent of the *London Times*, who could not be accused of bias in favor of the strikers, declared that the punishment of the Kapp *Putsch* participants rapidly became a farce. Yet no further general strike was called by the trade union leaders, for the Ebert cabinet now once again possessed the power of the military and was again securely in the saddle.

It seems, therefore, that in these days a successful general strike in Western civilization is likely to occur only where the labor forces have faced the full revolutionary logic of that weapon, and where the ruling class or the government has at the same time remained so blind to progress and so unjust to the masses of the people that anything, even revolution, is preferable. Even at that, success in the use of the weapon demands that the cause be so clear that most of the citizens outside the ranks of labor, and the majority of the military and naval forces, express strong sympathy with the strikers. This was evidently the situation in the recent Spanish and Cuban general strikes, where the revolutionary aim of the method was successfully achieved.

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**Austria's Corporative Constitution.** As a feature of a reformed May Day celebration, the cabinet of Chancellor Englebert Dollfuss, on May 1 last, decreed a new constitution for Austria. The rather lengthy document, consisting of 182 articles and covering some 32 pages in the official *Bundesgesetzblatt*, is mainly the work of Dr. Otto Ender, former chancellor, who, on July 18, 1933, joined the Dollfuss cabinet as minister for constitutional and administrative reform. It had been approved on April 30 at the final session of the lower house of the republican parliament, the *Nationalrat*. Owing to the cabinet's cancellation of the mandates of 72 Social Democratic deputies and of two other deputies who had manifested National Socialist sympathies, only 91 of those who had been elected to the *Nationalrat* in 1930 were eligible to attend the session. The republican constitution had demanded a majority of all the elected members of the parliament for a constitutional change, but the cabinet had previously ruled that ratification could be completed by 46 affirmative votes or a majority of those deputies whose mandates had not been cancelled. Seventy-six of the eligible deputies did attend the session, and 74 of them cast their ballots for the new instrument of government. The opposition came from two Pan-German deputies, Dr. Haempl and Dr. Foppa, whose speeches of protest were suppressed.[1] Along with the new constitution, some 470 decrees, issued by the Dollfuss cabinet since its *coup* of March 8, 1933, were also ratified. The action of the rump republican parliament thus served not merely to open the way to a new régime of constitutional government in Austria, but also to clothe the purely arbitrary activity of the previous fourteen months of dictatorship with the dignity of formal legality.

According to the opening provisions of the new constitution, Austria ceases to be a republic and abandons democracy and parliamentarism.[2] Instead of a popularly elected sovereign parliament, there is to be a series of six deliberative tribunals which together will have only a limited influence on lawmaking and no influence whatever over the conduct of

[1] For details of the session, see *New York Times*, May 1, 1934, and *Central European Observer* (Prague), Vol. 12, p. 154 (May 4, 1934).

[2] All direct citations to the new constitution in this note are to the provisions as they appear in the official *Bundesgesetzblatt für die Republik Österreich*, No. 70 (April 30, 1934), pp. 437–468. With the adoption of the new constitution, the name of this official publication has been changed to *Bundesgesetzblatt für den Bundesstaat Österreich*, and the text of the constitution is reprinted, May 1, 1934, as the first number of the publication under the new rubric. Some of the more important provisions of the new constitution appear in the *New York Times* for May 1, 1934, and summaries of the principal provisions are to be found in the London *Times* for the same date and in *Current History* for June, 1934, pp. 355–357.

administration. In their composition particularly, these tribunals are to give expression to the so-called corporative principle, allegedly the basic principle of the new constitutional order. Interests and classes, most of which will ultimately possess the status of legal corporations or public bodies, and not a miscellaneous electorate artificially divided into political parties, are to constitute the social substructure from which these six tribunals will be recruited.

Four of these tribunals will perform merely advisory functions in respect to legislation, and will be known as advisory councils (*vorberatende Organe*). The first of them, the Council of State, or *Staatsrat*, will consist of from 40 to 50 members appointed by the cabinet from among persons qualified by knowledge and experience, probably chiefly bureaucrats and politicians loyal to the government of the day. They will be appointed for a term of ten years and may be reappointed.[3] The second and third tribunals will be known, respectively, as the Federal Council of Culture, or *Bundeskulturrat*, and the Federal Economic Council, or *Bundeswirtschaftsrat*. The Council of Culture will be composed of from 30 to 40 representatives of recognized churches, religious corporations, educational and cultural associations, and scientific and artistic bodies;[4] while the Economic Council will consist of from 70 to 80 members derived from several groups of corporations devoted to economic and professional pursuits. The chief groups of these corporations will be classified as follows: (a) agriculture and forestry; (b) industry and mining; (c) banking and insurance; (d) trade and transport; (e) the liberal professions; and (f) the public services. Representation on the Economic Council is to be distributed among the various corporations in proportion to their relative importance, but no group of corporations is to have less than three members.[5] Members of both the Council of Culture and the Economic Council are to serve for six years unless their tenure is interrupted by a presidential order dissolving the councils. Temporarily, at least, they will be appointed by the cabinet, although it is anticipated that they will ultimately be selected by the primary organizations which they are to represent. The constitution insists that they shall be irreproachably patriotic.[6]

The last of this group of four deliberative tribunals will be called the Council of the *Länder*, or *Länderrat*. It will have a membership of 18, consisting of the governor of each of the eight Austrian *Länder*, the financial councillor of their respective administrations, the burgomaster of Vienna, and the financial councillor of his administration.[7]

Each of these four councils will perform its advisory function exclusively at the command of the cabinet. Projects of law, which can be initiated only by the cabinet, will be sent to one of them in the first instance for a

[3] Art. 46. [4] Art. 47.
[5] Art. 48. [6] Arts. 47, 48. [7] Art. 49.

report and recommendations. Projects of a general nature will go to the Council of State; projects which affect cultural or economic interests will go to the Council of Culture or to the Economic Council, respectively; and projects relating to regional or local interests will be sent to the Council of the *Länder*.[8] The councils are expected to deliberate in secret and to report back to the cabinet within a definite period of time.[9]

To be distinguished from these four advisory councils is the fifth tribunal which will be known technically as a "resolving body" (*beschliessendes Organ*). This is the Federal Diet, or *Bundestag*. It will consist of 59 members—20 from the Council of State, 10 from the Council of Culture, 20 from the Economic Council, and 9 from the Council of the *Länder*. Each of the first three of the councils will choose its delegation from among its entire membership; the Council of the *Länder* will automatically send the governors of the eight *Länder* and the burgomaster of Vienna.[10] Inasmuch as all the members of the advisory councils will, temporarily at least, be appointees of the cabinet, the Diet will also have to be regarded as an indirect creation of the cabinet.

It is the Federal Diet that will bear the greatest resemblance to a parliament, since it will have power to approve or reject all the cabinet's projects of law after these have been considered by the appropriate advisory council.[11] Nevertheless, the procedure which it will observe in its deliberations will be quite unlike that of any Western parliament. The only permissible discussion will consist of a formal examination by two *rapporteurs*, one favoring, and the other opposing, a project. Amendments will not be permitted, and the decision of the Diet must be rendered within a period of time fixed by the chancellor.[12] In case the Diet rejects the project, it may be submitted to a popular referendum which, if favorable, will permit the cabinet to proclaim the project a law even if the Diet reiterates its opposition.[13]

The annual budget, other fiscal measures, and other miscellaneous matters are not to be submitted to an advisory council, but are to be sent directly to the Diet. On these measures, freedom of debate is to be permitted as well as unlimited right of amending.[14] In the case of the budget, however, which must be introduced by the cabinet at least ten weeks before the expiration of a fiscal year, the Diet must take either favorable or unfavorable action within six weeks. Should it fail to do so, the cabinet's project becomes law automatically.[15]

The sixth and last deliberative tribunal provided for is the Federal Assembly, or *Bundesversammlung*. This is to be a body composed of from

[8] Arts. 44, 61. [9] Arts. 59, 61. [10] Art. 50.
[11] Art. 61. [12] Art. 62. [13] Art. 65.
[14] Art. 63. [15] Art. 69.

158 to 188 members, i.e., of the combined membership of all four advisory councils. The Federal Assembly will meet on call of the president to perform extraordinary functions such as nominating candidates for the presidency, attesting the oath of a president-elect, and deliberating upon proposed declarations of war.[16]

The chief executive organs are to consist of a president, a chancellor, and a cabinet of ministers. The extraordinary control which these officials are to exercise over legislators and legislative procedure makes it perfectly clear that they are to constitute the center of political gravity. The president will be elected for a seven-year term by all the burgomasters of Austrian municipalities from among three candidates proposed by the Federal Assembly.[17] On his own responsibility, the president will appoint and remove the chancellor and dismiss existing cabinets. Individual ministers will be appointed by him upon the recommendation of the chancellor.[18] Most of the remaining executive prerogatives, though nominally vested in the president, will be exercised subject to the will and discretion of the chancellor and his colleagues, who must countersign all presidential orders and decrees and assume responsibility for them.[19] Their responsibility, however, will not be of a political or parliamentary nature, but strictly legal. Except for a vague control by the courts, future Austrian executives will exercise their constitutional discretion as independently as any dictator.

The most convincing evidence of the ascendancy of the executive is to be discerned in an extraordinarily comprehensive decree power. Should the Diet prove incapable of acting expeditiously to protect the peace or to conserve the fiscal or proprietary interests of the state, the cabinet may issue a decree authorizing whatever action it considers necessary. Such a decree will have the force of an emergency law (*Notrecht*). It may not change the constitution; nor may it seek to give effect to a project of law previously rejected by the Diet unless the Economic Council and the Council of Culture have first been dissolved. Should the power, for these reasons, not be comprehensive enough, the cabinet may call upon a superior authority, nominally vested in the president, and issue what is called a presidential emergency law (*Notrecht des Bundespräsidenten*). A presidential emergency law may amend the constitution, although it may not set the constitution aside completely. The Diet may secure cancellation of both an emergency law of the cabinet and a presidential emergency law by a vote of two-thirds of its regular quorum, and emergency laws of both types lapse after three years unless renewed.[20]

Emergency powers nominally vested in the president will also enable the cabinet to reconstitute the legislative organs of the federal and local

[16] Art. 52. [17] Art. 73. [18] Art. 82.
[19] Art. 79. [20] Art. 148.

governments in time of war or when public security is threatened and, under similar circumstances, extend, by as much as one-half, the terms of the members of these bodies. Finally, the cabinet is authorized to give legal effect to any project of law which has neither been accepted nor rejected by the Diet within the time specified by the chancellor.[21]

Though established under corporative auspices, the new constitution also proposes to retain a measure of the federalism of the republican period. With the exception of Vienna, which becomes a federal city, the identity of all the former *Länder* is preserved and they are granted what purport to be generous powers over local legislation, finance, and administration. The constitution devotes two entire chapters to the distinction between their powers and the authority of the central government,[22] and a constitutional court, similar to the one which existed under the Republic, is established with power to decide disputes over jurisdiction.[23] Real local autonomy, however, is not likely to flourish, despite these provisions, because of the supervisory powers reserved to the central authorities. These include power to dissolve the diets of the *Länder* and the municipal council of Vienna;[24] to disallow laws which they enact;[25] and to remove the governors of the *Länder* as well as the burgomaster of Vienna.[26] It may be added that the president will also appoint the governors and the burgomaster, although the appointments will have to be approved by the respective local legislatures.

A word ought to be added about the position of the church, particularly of the Roman Catholic Church, in the new Austria. Unlike the situation in Italy and Germany, where the introduction of authoritarian government was accomplished over the protest of the parties politically identified with Catholicism, the introduction of such a form of government in Austria has been mainly the handiwork of the leaders of just such a party. It was inevitable, therefore, that their efforts should have been strongly influenced by clericalism. The evidence of this influence appears in the very preamble of the new constitution, which declares that Austria is a Christian state and piously affirms that all laws emanate from God. In a subsequent article, the Concordat concluded with the Roman Church on June 5, 1933, is given the status of constitutional law.[27] Though recognizing freedom of conscience, other articles grant the family and educational institutions considerable control of religious instruction[28] and affirm it to be the duty of the state to guarantee religious and moral instruction for youth.[29] Churches, moreover, as well as religious corporations, are to be generously represented in the Council of Culture. If any one feature distinguishes the new Austrian régime from other "strong" governments

[21] Art. 148. [22] Chaps. III and VI. [23] Art. 170.
[24] Arts. 113, 140. [25] Art. 111. [26] Arts. 114, 138.
[27] Art. 30. [28] Art. 27. [29] Art. 31.

now in existence, it is this preëminence of ecclesiastical interests. For the intense nationalism of neighboring Fascist states, Austria has substituted clericalism, and the resulting type of government, for want of a better designation, might appropriately be called Clerical Fascism or Christian Patriotism.

For several reasons, the candid observer is not likely to be too optimistic about the successful application of the new constitution. Considerable portions of the instrument appear to have found their inspiration in sources which have little if anything in common with the practical political needs of contemporary Austria. The corporative idea, for instance, is borrowed directly from Italy. According to recent evidence,[30] after ten years of experimentation, it has not been completely applied there. Even if Austria could afford so lengthy an interval for its institution—a doubtful prospect at present—there is little if any assurance that it would comport with the traditional forces and inherent genius of Austrian political life. Already it is apparent that the minimum of autonomy which the developed corporative system is to offer various cultural and economic groups would be utterly repugnant to the authoritarian executive theory of the new constitution.

Similar observations may be made concerning the new constitution's federal features, despite the fact that federalism, unlike corporativism, has actually been a part of Austria's political experience.[31] The federalism of the republican constitution was a kind of *modus vivendi* between the Social Democratic party of Vienna and the clerical hinterland. With the destruction of the Social Democratic party, the reduction of Vienna to the status of a federal city, and the complete ascendancy of the clericals through the Dollfuss dictatorship, the only genuine reason for a federal system, even for one as emasculated as that now provided, has disappeared. At best, the numerous articles of the new constitution devoted to this subject may serve as a gesture to conciliate the particularists among Chancellor Dollfuss' own Christian Social partisans in the Alpine *Länder*, Vorarlberg and the Tyrol.

Still more weighty reasons for doubting the successful application of the new constitution are to be discovered in the parlous condition of contemporary Austria's internal and international political situation.

[30] See description of the most recent plans for transforming Italy into a corporative state in *New York Times*, May 10, 1934.

[31] Some corporative ideas were included in the constitutional revision of 1929, but nothing was ever done to put them into effect. See para. 16 of constitutional law of December 7, 1929, amending constitution of October 1, 1920, *Bundesgesetzblatt für die Republik Österreich*, No. 93 (Dec. 10, 1929), p. 1326. See also para. 15 of transitional constitutional law of December 7, 1929, *ibid.*, no. 93 (Dec. 10, 1929), p. 1336. A consideration of these ideas occurs in M. W. Graham, "Constitutional Crisis in Austria," in this REVIEW, Vol. 24, p. 154 (Feb., 1930).

The bitterness created by the ruthless military suppression of the Social Democrats has not abated; nor will the leaders of National Socialism soon cease their agitation to annex Austria to Germany or, failing that, to "coördinate her with their movement in the fashion in which they have "coördinated" Danzig. At the same time, the greatest uncertainty prevails as to the part which the rivalry of the Powers, particularly Germany, Italy and France, will force Austria to play in the international arena. Under such conditions, the state is hardly in a position to enter upon a régime of constitutional government, even upon a régime as authoritarian in character as the one designed by the new constitution.

It would appear that those chiefly responsible for the new constitution themselves entertain some doubts of their ability to apply it at once. Though ratified and promulgated as fundamental law, the last article stipulates that the transition to the political order which it contemplates shall be regulated by a special constitutional law still to be enacted. A government spokesman has let it be known that his colleagues anticipate a period of transition of at least two years.[32] In the meantime, by virtue of a blanket enabling act, also enacted by the rump republican parliament on April 30, the cabinet of Chancellor Dollfuss has been authorized to govern with what amounts to plenary legislative and executive powers in much the same fashion that it has governed since the *coup* of March 8, 1933.[33]

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**Judicial Review of Legislation under the Austrian Constitution of 1920.*** When Canada set up a federal system of government in 1867, she had nearly eighty years of American experience to build upon. Consequently, she was able to evade many of the problems in which we find ourselves entangled today. When Austria provided for judicial review in her constitution of 1920, she could profit from more than a century and a quarter of American experience, as well as from the various modifications of the American plan to be found in the British Dominions and elsewhere. Hence, we should not be surprised to learn that in the opinion of Dr.

[32] See *New York Times*, May 1, 1934.

[33] For terms of the enabling act, see Art. 3 of the constitutional law of April 30, 1934, concerning "emergency measures within the scope of the constitution," *Bundesgesetzblatt für die Republik Österreich*, No. 72 (April 30, 1934), p. 477. The foregoing article was in type at the time when the political situation was made still more hazardous by the assassination of Chancellor Dollfuss.

* The writer gratefully acknowledges his indebtedness to Dr. Josef L. Kunz, of the University of Vienna, and to Dr. Erich Hula, formerly of the University of Cologne and now with the Graduate Faculty of Political and Social Science, New York, for valuable comments on his manuscript.

Hans Kelsen the theory and practice of judicial control of legislation reached a more complete development in Austria than in any other nation.[1] The fact that this institution, being completely at odds with the Fascist conception of unified control, has been abolished by the new constitution,[2] need not detract from its interest to students of political science. Even if the writer is mistaken in his belief that the time has come when the American system is in need of complete overhauling—in which case Austrian experiences might well serve as a starting point for the reëxamination of basic concepts—a study of the Austrian system is a decided aid to a more thorough understanding of our own. Although the central theory may have been borrowed from the United States, the differences in technique were exceeded only by the differences in the concept of unconstitutionality and the effect of a judicial decision upon the juridical status of a statute.

Granted that provision is to be made for a judicial review of questions of constitutionality, this power may be vested in the regular courts, or a special tribunal may be created to exercise it. Austria chose the latter alternative, the constitution specifically providing that the ordinary courts "shall not have power to examine into the validity of laws duly proclaimed."[3] Instead, a special tribunal, the Supreme Constitutional Court (*Verfassungsgerichtshof*), was created[4] to exercise this important function. This court consisted of fourteen regular members and six alternates,[5] chosen to serve until they should reach the age of seventy years.[6] As in the case of the French administrative court (*Conseil d'État*), it was felt advisable to draw into the tribunal experts from various walks of life, including those with legislative or administrative experience. Although all appointments were made by the federal president, he was limited in his selections to lists of nominees submitted by the national ministry and the national legislature.[7] Aside from its power to pass upon

[1] Kelsen, "Rapport sur la garantie juridictionelle de la constitution," *Annuaire de l'Institut International de Droit Public* (1929), 52, 53.

[2] Ratified by a rump parliament on April 30, 1934. Unless otherwise noted, all references in the present article are to the constitution of 1920.

[3] Art. 89 (1). See also Art. 140 (4).

[4] Arts. 137–148; and law of April 4, 1930, *Bundesgesetzblatt*, No. 112. The latter is hereafter referred to as *Stat.* 1930.

[5] *Const.*, Art. 147 (1), as amended July 30, 1925; *Stat.* 1930, Art. 1. Nine members constituted a quorum. *Stat.* 1930, Art. 7. A member might be ineligible to sit in a given case because of an indirect interest in the litigation. *Id.*, Art. 12.

[6] *Const.*, Art. 147 (6), as amended December 7, 1929.

[7] *Const.*, Art. 147, as amended December, 1929. The president, vice-president, six of the associate members, and three of the alternates were chosen from the list prepared by the federal ministry. They must have had experience as judges, administrative officials, or professors of law or political science. Three associate members and two alternates were chosen from a list prepared by the lower house of the

the constitutionality of state[8] and national laws and the legality of administrative ordinances,[9] the jurisdiction of the court was strictly limited. It tried impeachments[10] and contested election cases,[11] and passed upon all claims against the federal state, the states, or the municipalities which could not be brought before the regular courts.[12] It could also entertain complaints "of a violation of constitutionally guaranteed rights by reason of a decision or a decree of an administrative authority, after administrative appeals have been exhausted,"[13] and as a "court of conflicts" it determined the respective jurisdictions of the administrative authorities, the ordinary courts, the administrative court, and the Supreme Constitutional Court itself.[14] It had no general civil or criminal jurisdiction whatsoever, the Supreme Judicial Court (*Oberstergerichtshof*) being the court of last resort in such cases.[15] Hence, it was free to devote the greater part of its time to constitutional issues.

*Procedure.* An action to test the validity of a statute might be begun in any one of four ways. The constitution provided that "the Supreme Constitutional Court shall render judgment, on application of the federal ministry, upon the unconstitutionality of state laws; on application of a state government, upon the unconstitutionality of federal laws."[16] As most questions of legal competence had to do with the division of powers between the federal and state governments, there being nothing in the Austrian bill of rights corresponding in scope to our own due process and

legislature (*Nationalrat*), and the remaining three associates and one alternate from nominees of the upper house (*Bundesrat*). Neither house was restricted in its choice except by the general requirement that no person should be eligible for appointment to the court who had not completed the university course in law and political science and practiced an allied profession for at least ten years. Administrative officials were required to resign their offices before taking their seats on the court. Members of either house of parliament, or of a state or local legislature, were ineligible for appointment until the term for which they were elected had expired. See Kelsen, *op. cit. supra* note 1, p. 198.

[8] In keeping with American terminology, I have translated *land* as state.

[9] As in the United States, an administrative ordinance, to be valid, was required to comply with the statutes as well as with the constitution.

[10] *Const.*, Arts. 142, 143; *Stat.* 1930, Arts. 72–81. The charges were preferred by the proper legislative body.

[11] "The Supreme Constitutional Court shall render judgment concerning contested elections to the *Nationalrat*, to the *Bundesrat*, to the *Landtage*, or to any other general representative body; and on application of one of these representative bodies, it shall render judgment in respect to the declaration that one of its members has lost his seat." *Const.*, Art. 141. And see *Stat.* 1930, Arts. 67–71.

[12] *Const.*, Art. 137; *Stat.* 1930, Arts. 37–41.

[13] *Const.*, Art. 144 (1); *Stat.* 1930, Arts. 82–88.

[14] *Const.*, Art. 138 (1); *Stat.* 1930, ss. 42–52.

[15] *Const.*, Art. 92.

[16] Art. 140 (1). "The ministry that makes the application must communicate it immediately to the competent state government or the federal ministry, as the case may be." *Id.*, Art. 140 (2).

contract clauses, this was the standard method of instituting such an action. It could be brought to contest the validity either of a statute already enacted, or of a "project of law destined to be submitted to the decision of a legislative body."[17] If a law was directly involved in a case before the court, and the members entertained doubts as to its validity, the court could, on its own motion, direct that the constitutional issue be raised and decided.[18] Prior to 1929, these were the only methods whereby such questions could be raised; but in that year it was provided that "the Supreme Constitutional Court shall render judgment upon the unconstitutionality of federal or state laws at the request of the Supreme Judicial Court (*Oberstergerichtshof*) or of the Supreme Administrative Court (*Verwaltungsgerichtshof*), when the law which is referred to it serves as the basis of a judgment to be rendered by the court making the request.[19] Such a request could be made only at a session of the full court.[20] It will be noted that in no case could an action to test the validity of a law be brought in the Supreme Constitutional Court by a private citizen,[21] although a petition by the Supreme Judicial Court or by the Supreme Administrative Court normally arose out of the arguments of a citizen or of his counsel before such court.

In his report to the 1928 session of the Institut International de Droit Public, Dr. Kelsen suggested that it might prove desirable to permit such actions to be brought by a defeated minority of the legislative body passing the law.[22] This might well have proved an expeditious manner of bringing the constitutional guarantees of minority rights into play.[23] He also suggested the possibility of creating a new official whose sole function should be to examine all state and national laws, and to submit those of doubtful constitutionality to the consideration of the Supreme Constitutional Court.[24] Neither suggestion was adopted.

[17] *Stat.* 1930, Art. 54, passed in pursuance of *Const.*, Art. 138 (2), added by the amendment of July 30, 1925. It was only where the dispute related to the division of powers between the federal and state governments, or between two or more states, that the validity of a bill might be raised prior to its passage.

[18] *Const.*, Art. 140 (1); *Stat.* 1930, s. 65.

[19] *Id.*, as amended December 7, 1929. This amendment appears to have been modeled after the practice in Czechoslovakia. See M. Z. Peska, "Le development de la constitution Tschecoslovaque" (1930), 47 *Revue du Droit Public*, 224.

[20] *Stat.* 1930, Art. 62 (1).

[21] It is the opinion of Austrian jurists that to allow this to be done would "entail a too serious danger of rash actions, and the risk of an unsupportable obstruction of the rolls." They concede, however, that "it is incontestibly in this manner that the political interest that exists in the elimination of irregular acts would receive the most radical satisfaction." Kelsen, *op. cit. supra* note 1, p. 126.

[22] *Op. cit. supra* note 1, pp. 128–129.

[23] See *Const.*, Arts. 6 (3), 7, 26 (5), 84, 85, 90 (2), 149 (1).

[24] *Op. cit. supra* note 1, p. 128.

Regardless of the manner in which the action was commenced, the request was required to state whether it sought to annul the entire law or only certain parts thereof, and to specify, in detail, the objections to the law.[25] The president of the court immediately set a date for a public hearing,[26] to which the interested governments were invited.[27] If the request was presented by the Supreme Judicial Court or by the Supreme Administrative Court, the parties to the litigation out of which this request arose were also summoned personally.[28] In addition, the court might summon other "interested parties" to appear at the hearing,[29] either personally or through attorneys.[30] Essentially, however, "the defense of federal laws which [were] attacked [belonged] to the federal government; that of state laws, to the proper state government."[31] To prevent undue delay, it was provided further that the hearing must be held and the decision of the court rendered "as soon as possible during the month following the request."[32]

It is, to be sure, "extremely regrettable to have to annul a law, and even more so a treaty, for unconstitutionality after it has been in force, without being questioned, for many years."[33] Hence, it has been suggested that the period during which the constitutionality of a legislative enactment may be attacked should be limited to five, or possibly even three, years from the date on which it went into force.[34] But Austria did not see fit to adopt any such limitation, the constitution providing that such an action might be brought "at any time."[35]

*Effect of Unconstitutionality.* The Austrian court had a true judicial veto. In the belief that "it is necessary, if one desires that the constitution be efficaciously guaranteed, that the act submitted to the control of the Supreme Constitutional Court should be directly annulled by its decision,"[36] provision was made that when an act was held unconsti-

[25] *Stat.* 1930, Arts. 15, 62 (1).

[26] *Stat.* 1930, Arts. 19 (1), 63 (1).

[27] *Id.*, Art. 63 (1). If the case involved a dispute as to the division of powers between the nation and the states, the federal government and all state governments were summoned to the hearing with the indication that it was permissible for them to participate therein. *Id.*, Art. 56 (2).

[28] *Id.*, Art. 63 (1). [29] *Id.*, Art. 19 (1). [30] *Id.*, Art. 24 (2).

[31] *Id.*, Art. 63 (1). At the time of the summons, the non-plaintiff governments were invited to present to the court, not less than one week prior to the date set for the hearing, a written brief on the questions to be decided. *Id.*, Arts. 56 (3), 63 (2). The statement filed at the time the action was brought (see *supra* note 25) may be considered as constituting the plaintiff's brief. Greatest reliance was placed, however, upon oral argument.

[32] *Id.*, Art. 63 (3). [33] Kelsen, *op. cit. supra* note 1, p. 121.

[34] *Id.* Such a restriction is in force in Czechoslovakia. Peska, *op. cit. supra* note 19, p. 236. [35] *Art.* 140 (2).

[36] Kelsen, *op. cit. supra* note 1, p. 120. And see B. Mirkine-Guetzévitch, "Les nouvelles tendances du droit constitutionnel (1928), 45 *Revue du Droit Public*, 5, 38.

tutional the judgment of the court should be certified (depending upon whether a national or a state law was involved) to the federal chancellor or to the governor of the state, who immediately published a decree annulling the statute.[37] This decree was required to state whether the act was annulled as a whole or in part, and to specify the particular decision of the court upon which it was based.[38]

Normally, the judgment of annulment became effective on the day of publication of this decree,[39] and entailed the return to force of the legislative provisions which had been abrogated by the law now set aside as unconstitutional.[40] The court had power, however, to provide that the annulment should not become effective until the expiration of a given time following publication.[41] This enabled it, at its discretion, to give the legislature an opportunity to replace the impeached law with a new and valid one before the annulment became effective. Originally, this period of grace was limited to six months, but it was subsequently extended to a maximum of one year.[42]

When a question as to the validity of a given statute had been certified to the Supreme Constitutional Court by the Supreme Court or the Supreme Administrative Court, and the law had been held unconstitutional, the tribunal making the request did not apply this act to the concrete case which gave rise to the request, but decided it, instead, as if the statute had never been passed. With this single exception, which was justified purely on grounds of expediency,[43] the judgments of the court were never retroactive in effect, and hence had no bearing whatsoever upon any of the juridical acts previously taken upon the basis of the statute in question.[44] Nor could the question be reopened without the reënactment of the annulled law by the legislature, since the effect of the decision was defi-

[37] *Const.*, Art. 140 (3). The provision was clearly mandatory.

[38] *Stat.* 1930, Art. 64 (2).

[39] *Const.*, Art. 140 (3).

[40] *Const.*, Art. 140 (4), as amended December 7, 1929.

[41] *Const.*, Art. 140 (3).

[42] *Id.*, as amended July 30, 1925.

[43] "This retroactive effect of the annulment is a technical necessity because without it, the authorities charged with the application of the law [i.e., the judges of the Supreme Court and of the Supreme Administrative Court, respectively] would not have an immediate and consequently sufficiently cogent interest to cause the intervention of the constitutional court. . . . It is necessary to encourage them to present these requests by attributing in case of annulment a retroactive effect." Kelsen, *op. cit. supra* note 1, p. 127.

[44] For example, if a statute went into force in March, and the judgment of annulment did not become effective until July, the annulled act was still applied to a set of facts arising in May. In short, the citizen had no alternative to abiding by the law while it remained on the statute book save to run the chance that it would be his case that would be made the basis of a petition to the Supreme Constitutional Court by the Supreme Court or the Supreme Administrative Court.

nitely to remove the law from the statute book. In brief, for all practical purposes the effect of such a judgment was the same as if the statute had been repealed by a later legislative act.[45]

*Summary.* Thus we see that under the Austrian system constitutional questions were not raised in the trial court and subsequently appealed to the court of last resort, as with us, but were, instead, taken directly to the latter tribunal, which was the sole court authorized to pass upon them. Speaking generally, only a national or state ministry could institute such an action as of right, although either the Supreme Judicial Court or the Supreme Administrative Court, and on occasions the Supreme Constitutional Court itself, could authorize the bringing of such an action. The sole question presented for consideration was the validity of the statute, which was considered entirely apart from any specific demand for relief. If the Supreme Constitutional Court held the statute unconstitutional, the latter was annulled *pro futuro* and was removed from the statute books, either at once or at a named date not more than one year thence. The time required for the entire process, from the filing of the action to the rendering of the judgment, could not exceed thirty days. As the case might be brought even prior to the introduction of a bill, it was thus possible for the question to be decided and the proposed statute held unconstitutional before its final passage, and hence before its promulgation as law. Similarly, under such an expeditious procedure a statute could be judicially annulled after passage but before it had gone into effect.[46] And since the judgment of annulment was not retroactive,[47] and, further, served definitely to repeal the act, no question could possibly arise as to the law applicable to a given set of facts, regardless of whether they arose prior to or subsequent to the decision of the Supreme Constitutional Court.

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[45] The adoption of such a practice may have been due, in part, to the fact that Continental jurists as a group consider the judicial review of legislation essentially legislative in character.

[46] It should be noted that a state law could not go into effect until eight weeks following the date of its passage, unless the federal ministry expressly consented to earlier publication. *Const.*, Art. 98.

[47] This generalization is subject, of course, to the qualification noted above.

**The Effect of the Non-Recognition of Manchukuo.** When the United States government, on January 7, 1932, and the Extraordinary Assembly of the League of Nations, on March 11, 1932, and again on February 24, 1933, invoked non-recognition as a sanction,[1] the necessity at once arose of determining what would be the precise effects, as far as international relations are concerned, of withholding recognition of Manchukuo. It may seem strange that the decision to resort to non-recognition as a sanction was taken before an attempt was made to determine the practical effects of such action on the Far Eastern situation. Presumably, however, this must be the procedure in the application of international sanctions. The precise manner in which the application of coercive force will be carried out in a given case, and the results which such application of force will have, cannot very well be determined in advance of the action taken.

In order to give genuine authority to non-recognition as a sanction, it is necessary that the effect of withholding recognition be made as oppressive as possible. The non-recognized state must be isolated from the rest of the world, as completely as conditions permit. Such result necessarily involves unanimous, or substantially unanimous, action on the part of all governments. Concerted efforts must be made to avoid any compromise or commitment, by any state, in regard to the state from which recognition is being withheld, and no *de facto* or temporary relations with the new state may be established.

With a view to giving greater clarity and meaning to the non-recognition policy as applied to Manchukuo, the Advisory Committee, provided for by the Assembly in its report of February 24, 1933, has made a special study of the problem and communicated its findings to the members of the League and the non-member states to which the Assembly's report of February 24 regarding the Sino-Japanese dispute had been sent.[2]

[1] In concluding its statement of recommendations regarding the Sino-Japanese dispute, the Assembly stated that the "maintenance and recognition of the existing régime in Manchuria" was excluded, as such action would be "incompatible with the good understanding between the two countries on which peace in the Far East depends." It followed, therefore, that "in adopting the present report, the members of the League intend to abstain, particularly as regards the existing régime in Manchuria, from any act which might prejudice or delay the carrying out of the recommendations of the said report. They will continue not to recognize this régime either *de jure* or *de facto*. They intend to abstain from taking any isolated action with regard to the situation in Manchuria and to continue to concert their action among themselves as well as with the interested states not members of the League." Document A (Extra). 22. 1933. VII. Pt. IV, Sec. III.

[2] The Advisory Committee consists of the representatives of the Committee of

Early in June, 1933, the Committee completed its findings on the consequences which it considered to be involved in the policy of non-recognition of the existing régime in Manchuria, and on the 14th of the month its recommendations were forwarded to the governments of members of the League and of the states to which the Assembly's report of February 24 had been sent. It was assumed by the Committee that, unless informed to the contrary, the governments of those states represented on the Advisory Committee as well as those of League members not so represented would apply the measures recommended.[3]

The problems which the Committee has so far investigated, and on which it makes specific recommendations to the individual governments, are as follows: (1) the question of the participation of the present government of Manchuria in international conventions; (2) the basis of admission of Manchukuo mail matter to the postal services of other countries, and the status in other countries of Manchukuo postage stamps; (3) the question of the international non-recognition of the currency of Manchukuo; (4) problems that may be raised by the acceptance by foreigners of concessions or appointments in Manchuria; (5) the question of passports; (6) the position of consuls; and finally, (7) the application to Manchukuo of the import and export certificates system applicable to trade in opium, under provisions of the Geneva Opium Convention of 1925 and the Limitation Convention of 1931.

The findings and recommendations of the Advisory Committee on these several questions are as follows:

1. It is assumed that, in deciding not to recognize, either *de jure* or *de facto*, the existing régime in Manchuria, the members of the League will take all necessary steps to prevent Manchukuo from acceding to existing international conventions. These conventions fall into two categories—closed conventions and open conventions. In the case of closed conventions, i.e., those under which the parties have to be consulted precedent to the admission of new members, the Committee assumes that non-recognizing states will refuse to agree to the admission of Manchukuo. In the case of open conventions, i.e., those to which states may

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Nineteen (provided for in the Assembly resolution of March 11, 1932), Canada, and the Netherlands. The Committee was empowered to invite the governments of the United States and Russia to coöperate in its work. The United States accepted and Russia rejected the invitation. The general mandate of the Advisory Committee is ". . . to follow the situation [in the Far East], to assist the Assembly in performing its duties under Article 3, paragraph 3 [of the Covenant] and, with the same objects, to aid the members of the League in concerting their action and their attitude among themselves and with the non-member states." *Verbatim Record of the Special Session of the Assembly* [February 24, 1933], *Eighteenth Plenary Meeting*, p. 1.

[3] C.L. 117(a). 1933. VII; C.L. 117. 1933. VII.

accede by unilateral action, the Committee recommends that the states with which the acts of accession to such conventions are deposited should consult all of the contracting parties to the convention in question in case Manchukuo should indicate a desire to accede thereto. The parties would thus be given an opportunity to give a negative opinion as to the acceptance of the accession of Manchukuo, and such decision, it is held, would be in conformity with the Assembly's action of February 24. Moreover, the depository state would thus be able, in replying to Manchukuo's application, to make use of the opinions of the other contracting states.[4]

[4] The following is a list of the open conventions to which the above procedure applies, and the states with which acts of accession are to be deposited, and which would therefore assume the initiative in consulting the other contracting states in regard to the acceptance or refusal of an act of accession submitted by Manchukuo:

*Belgium:* Convention of December 31, 1913, for the constitution of an International Bureau of Commercial Statistics.

Convention of March 15, 1886, for the International Exchange of Official Documents and of Scientific and Literary Publications.

Convention of July 5, 1890, establishing an International Union for the Publication of Customs Tariffs.

*Spain:* International Convention on Telecommunications, Madrid, December 9, 1932, establishing the International Union for Telecommunications.

*France:* Convention on the Regulation of Aërial Navigation, Paris, October 13 1919 (Article 41).

Convention concerning International Exhibitions, Paris, November 22, 1928.

Agreement for the constitution of an International Office for Dealing with Contagious Diseases of Animals, Paris, January 25, 1924.

Convention for the constitution of an International Office of Chemistry, October 29, 1927.

Metric Convention, signed May 20, 1875, revised 1921, respecting the Constitution of an International Office of Weights and Measures.

Sanitary Convention, opened for signature at Paris, on June 26, 1926.

*Italy:* International Agreement respecting the constitution of an International Office of Public Health, Rome, December 9, 1907.

*Netherlands:* Conventions signed at the Second Hague Conference (1907).

International Opium Convention, signed at The Hague on January 23, 1912.

International Sanitary Convention for Air Navigation, 1933.

*Switzerland:* Convention regarding Industrial Property (establishing the International Office of the Union for the Protection of Industrial Property; first convention concluded 1883, revised 1925.)

The Committee gave especial attention to the case of conventions concluded under the auspices of the League of Nations. The majority of these are open for subsequent accession, subject to decisions taken solely by the Council of the League, and thus no action on the part of the individual signatories is required. In case of open League conventions, "the Secretary-General of the League could not receive any accession from 'Manchukuo.'" The French government has been asked to act as consultant in the case of the Conventions for the Supervision of the Trade in Arms and Ammunition and the Prohibition of the Use of Asphyxiating Gases. The Committee held that no action on the part of the contracting parties was necessary to exclude Manchukuo from the Hague Convention for the Pacific Settlement of International Disputes and the Protocol of Signature of the Permanent Court of International Justice, as these contain accession clauses which have the effect of excluding Manchukuo automatically.

The Committee also examined the statutes of certain international commissions and associations which were not created under international conventions. Inasmuch as these commissions and associations were not set up under international conventions, the Committee held that no claim to *de jure* recognition of a state could be deduced from "the admission to or participation in these commissions or associations of a delegate of any public authority whatever." The Committee also held that neither could *de facto* recognition be claimed as a result of "the admission to or participation in these bodies of a delegate appointed by a public authority, if these bodies also include delegations of administrations or private associations." The Committee indicated, however, the desirability of League members, represented in such organizations, using every means within their power to prevent the participation of representatives of Manchukuo in such organizations.

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Convention for the constitution of an International Union for the Protection of Literary and Artistic Works (first convention concluded September 9, 1886, revised 1928).

Universal Postal Convention (latest revised text, London, June 28, 1929).

Geneva Convention for the amelioration of the condition of the wounded and sick in armies in the field (Red Cross Convention), signed at Geneva on July 27, 1929.

Convention relating to the Treatment of Prisoners of War.

"In regard to the Treaty for the Renunciation of War (Pact of Paris), the government of the United States of America might be looked upon as occupying a position similar to that of the governments of those states members of the League with which conventions have been deposited."

2. The relation of Manchukuo's postal service to those of other states presents a difficult situation. On July 24, 1932, and under the provisions of Article 27 of the Universal Postal Convention,[5] the Chinese government requested the Universal Postal Union to send the following notification to all member states:

1. That all postal service in Manchuria has been temporarily suspended;
2. That all mails destined for Europe and America will henceforth be forwarded respectively via the Suez Canal and the Pacific Ocean. The Chinese government requests that all post-offices of the member states will do the same with their mails destined for China;
3. That all stamps issued by the puppet government will be invalid. All mail matter or parcels bearing these illegal stamps will be charged postage due.

Aside from incorporating in its report this notification of the Chinese government, the Advisory Committee simply reminded members of the League that Manchukuo is not a member of the Universal Postal Union, and that procedure had been outlined under "1" for dealing with the matter, should the question of its accession to the Universal Postal Convention arise.

3. In regard to the currency question, the Committee declared that it deemed it inexpedient to propose that individual governments should prohibit transactions in Manchukuo currency, since "a domestic currency is created by a domestic law" and is used in the same way as any object of value bought and sold in international trade. It calls attention, however, to the desirability of preventing official quotations in Manchukuo currency in those countries which maintain an official foreign exchange market.

4. The Committee held that, although there was nothing in the Assembly's report of February 24 which could be interpreted to prohibit nationals of states members of the League from entering into contractual business relations with anyone in Manchuria or accepting concessions from the authorities thereof, it rested with each member of the League to inform its nationals of the risks attendant upon such relations, and particularly the difficulty in protecting its nationals and their interests in Manchuria. Individuals should also be informed of the "probable attitude of the Chinese authorities with regard to the validity of such con-

[5] This article is as follows: "*Temporary suspension of service.* When, as a result of exceptional circumstances, an Administration finds itself obliged to suspend the execution of services temporarily, in whole or in part, it is bound to give notice thereof immediately, by telegraph if necessary, to the Administration or Administrations concerned." *Universal Postal Union: Convention of London (June 28, 1929)* (Government Printing Office, Washington, 1930).

cessions or appointments obtained in the present circumstances from the authorities established in Manchuria."

5. The Committee was of the opinion that non-recognizing governments could not accept passports issued by the Manchukuo government, and therefore could not allow its agents to visa such documents. The committee held that inhabitants of Manchuria who desire to travel abroad might be given an "identity-document or a *laissez-passer*" by the consul of the country which they wish to visit. The same procedure could be followed by countries of transit, or the countries of transit could visa the "identity-document or *laissez-passer*" issued by the authorities of the country of destination. The consuls, in order to make certain of the identity of the applicant, could utilize the documents issued by Manchukuo authorities whether they are called passports, *laissez-passer*, or what not. These considerations, naturally, "apply with even greater force to diplomatic passports or diplomatic visas on diplomatic or ordinary passports."

6. The Committee was of the opinion that states could make provisions for replacing consuls in Manchuria without implying recognition of Manchukuo, since these agents are for the purpose of protecting the nationals of their own countries and gathering information for their governments. Consuls should be cautioned to refrain from any type of action which "could be interpreted expressly or by implication as a declaration that they regard the authorities established in Manchuria as the proper government of the country." Governments, in making consular appointments to Manchuria, may be guided by their special juridical status as regards China.[6]

7. The Committee recommends to members of the League and to interested non-member states that the provisions of Chapter V of the Geneva Opium Convention (1925) be applied to opium exports to Manchuria. Applications for export of opium, or other dangerous drugs, to Manchukuo territory "should not be granted unless the applicant produces an import certificate in accordance with the Convention of such a nature as to satisfy the government to which the application is made that the goods in question are not to be imported into Manchukuo territory for a purpose which is contrary to the Convention. A copy of the export authorization should accompany the consignment, but governments should refrain from forwarding a second copy of the export authoriza-

[6] United States consuls are still carrying on their functions in Manchuria. American consuls in China do not function under exequaturs; therefore the question of granting recognition through the acceptance of an exequatur does not arise, *i.e.*, if Manchukuo is presumed to succeed to China in this area. The procedure in appointing consuls to China is for the American government merely to notify the Chinese government of the assignment of consular officers to the various posts in China where American consular offices are maintained.

tion to Manchukuo, since such action might be interpreted as a *de facto* recognition of Manchukuo."

In addition to making the above recommendations, the Committee's report calls to the attention of the members of the League ". . . that in its capacity of an advisory body it remains at the disposal of members of the League for the examination of any question, within the scope of its reference, which they may request it to study with a view to giving them its opinion and proposing concerted action to the governments."[7]

The Committee report thus summarized indicates that the League is proceeding cautiously—doubtless too cautiously to please some—in dealing with this very delicate question. The policy laid down is one of slow but progressive action, with a view to securing coöperation not only among League members but among non-members, on a small series of administrative details. Whether or not the procedure will ultimately prove effective remains to be seen. Apparently it is the only type of action practicable at the present time. There is a possibility that the continued application to Manchukuo of the policy of non-recognition may prove a boomerang and result in greater advantage to Japan than she otherwise would derive from the existing situation in the Far East. If Manchukuo is prevented from adhering to any international conventions made in the past, and is not permitted to sign any international conventions to be made in the future, such as conventions on armaments, opium, etc., Japan may be provided with a plausible excuse for remaining herself unfettered by such agreements. What the ultimate outcome of the situation will be, however, lies in the realm of prophecy.

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[7] The report is contained in C.L. 117. 1933. VII. Annex.

# NEWS AND NOTES

## PERSONAL AND MISCELLANEOUS

*Compiled by the Managing Editor*

Professor Roger H. Wells, of Bryn Mawr College, is spending the summer in research in Germany.

Under auspices of the American Municipal Association, Professor Morris B. Lambie, of the University of Minnesota, will devote part of the coming academic year to attending economic conferences in various European capitals.

Dr. Irvin Stewart, formerly of the University of Texas and the American University, and more recently connected with the Department of State at Washington, was appointed by President Roosevelt in June as a member of the newly established federal communications commission.

On June 1, Professor Alpheus T. Mason, of Princeton University, gave the principal address before the New Jersey State Bar Association on the subject of "The Supreme Court Yesterday and Today."

At the celebration of the hundredth anniversary of the University of Bern, Switzerland, on June 1–3, the degree of *Doctor rerum politicarum honoris causa* was conferred upon Professor Robert C. Brooks, of Swarthmore College, in recognition of his writings on Swiss subjects.

During the summer quarter, Professor William Anderson, of the University of Minnesota, was visiting professor at the University of Chicago, where he gave courses on municipal government and delivered three special lectures on "The Outlook for Local Government."

Professor Charles M. Kneier, of the University of Illinois, will be on leave of absence during the year 1934–35, and will study law at the University of Michigan. During his absence his courses in municipal government will be taught by Dr. Chesney Hill, who, after serving as an assistant in the department during the past year, has been appointed to an instructorship.

At Indiana University, Professor Frank G. Bates has been succeeded as acting chairman of the department of government by Professor Ford P. Hall.

Under the auspices of the Policy Committee's sub-committee on education, Professor James Hart, of Johns Hopkins University, conducted in Baltimore on May 12–13, a conference of political scientists, public officials, and representatives of economic interests on "New Relations between Government and Business."

In addition to round table leaders at the Virginia Institute of Public Affairs as announced in the last issue of the REVIEW, Professor Francis W. Coker, of Yale University, was in charge of a group concerned with the topic "Dictatorship and Democracy."

Before proceeding to Europe while on sabbatical leave from the University of California at Los Angeles, Professor J. A. C. Grant gave courses in the summer session of the University at Berkeley.

Professor Charles E. Martin, of the University of Washington, exchanged for the summer quarter with Dr. Roy Malcolm, of the University of Southern California.

Miss Florence P. Jensen has resigned her professorship at Rockford College and will be married to Mr. A. W. Sherriff of the *North China Daily News*, Shanghai, China, in September.

Dr. Henry Reining, Jr., formerly of the University of Southern California, has been appointed instructor in political science at Princeton University.

Professors Frank M. Stewart and Charles H. Titus, of the University of California at Los Angeles, have been appointed members of an advisory committee to the Los Angeles city council to study the city charter and suggest amendments for adoption at the fall elections.

Mr. V. O. Key, Jr., graduate student in political science at the University of Chicago, has been appointed lecturer in political science at the University of California at Los Angeles, and will offer courses in American government and state and municipal government.

Mr. Durvard V. Sandifer, instructor in political science at Rutgers University, has been appointed a legal adviser in the Department of State and has been succeeded at Rutgers by Mr. A. J. Ronhovde, recently a graduate student in international relations at Columbia University.

Professor William E. Mosher, of Syracuse University, has been appointed director of the electric rate survey authorized by Congress at its last session.

Mr. Waldo E. Waltz, associate in English at the University of Illinois and graduate student in political science at that institution, has accepted a position as assistant professor of political science at the University of Arizona.

Mr. Clyde F. Snider, instructor in political science at Indiana University, has been made an assistant at the University of Illinois and will do work toward a doctor's degree.

Dr. Pressly S. Sikes, who completed his work for the doctorate in political science at the University of Illinois in June, has accepted an instructorship in political science at Indiana University.

Since receiving his doctor's degree in political science at the University of Illinois in June, Dr. Max Sappenfield has been employed by the Indiana Taxpayer's League to carry on research on the cost and financing of government in Indiana.

On June 2 and 3, a Conference on Problems of Public Personnel Administration was held at the University of Chicago under the auspices of the political science department. All members of the United States Civil Service Commission attended, as did a considerable number of other administrators and teachers in the field of public administration.

Governor Johnson of Colorado has appointed an interim committee to study county government and recommend changes. Among the seven members is Professor Lashley G. Harvey, of the Adams State Teachers College.

Professor Edwin E. Witte, of the University of Wisconsin, has been appointed executive director of the survey which is being made under the auspices of a cabinet committee preliminary to the formulation of a program of social insurance to be presented by President Roosevelt to Congress in January. He will be on leave of absence from the University during the first semester.

The Division of Economics and History of the Carnegie Endowment for International Peace has instituted an extensive survey of the economic, social, and political relations of the United States and Canada. Certain parts of the study have, indeed, been under way for two years, but the more comprehensive plan has been perfected only recently. The investigations relating particularly to political science will be directed by Dean P. E. Corbett of McGill University and Professor R. H. MacKay of Dalhousie University.

Dr. Herman Uhl, who recently completed his work for the doctor's degree at the Johns Hopkins University, has been appointed secretary of the bureau of public administration at the University of Virginia, and is teaching the courses of Dr. George W. Spicer in the second term of the summer session. Dr. Spicer is on leave in the second term to pursue his research on the growth of executive power in Virginia.

Under the auspices of the Committee on Civic Education by Radio and the American Political Science Association, in coöperation with the National Municipal League, an eighth series of "You and Your Government" radio programs was started on June 26 on the general topic, "A

New Deal in Local Government." The closing talks of the series will be as follows:

Aug. 21 Higher Administrative Standards
William Anderson, University of Minnesota.

Aug. 28 Housing and Slum Clearance
Ernest J. Bohn, President of National Association of Housing Officials.
Charles S. Ascher, Director of the same.

Sept. 4 Reconstruction in a Metropolitan County
Russel Sprague, Chairman of Board of Supervisors, Nassau County.

Sept. 11 County Home Rule
George W. Spicer, Chairman of Virginia Commission on County Government.

Sept. 18 A Suburban New Deal
Carl H. Pforzheimer, Chairman of Westchester County Commission on Government.
Mrs. William H. Lough, Secretary of the same.
Luther Gulick, Director of Institute of Public Administration.

Sept. 25 A New Deal in Civic Education
A. N. Holcombe, Harvard University.

*Crisis Government.* By Lindsay Rogers. (New York: W. W. Norton and Company. 1934. Pp. 166.)

This is a study of democracy with its back to the wall. It is an analysis of the world-wide governmental crisis in the endeavor to reach some conclusion as to whether the libertarian forms of government which developed during the nineteenth century must inevitably give way to some variety of authoritarian rulership. This general question in all its varied phases is presented with great skill and acumen by a scholar who possesses a broad and accurate grasp of the world's political troubles at the present hour.

Professor Rogers has not attempted to write a systematic treatise on the principles or practice of governmental reorganization. His aim has been merely to touch the high spots in the hectic interlude of revolution, reaction, reconstruction, and reform which the world is passing through. The idea is to give his readers some inkling of what these happenings mean and where they seem to be leading us.

The book begins with a survey of the war-nurtured attempt to make a world safe for democracy. On the morrow of the great conflict, there was a general gaol delivery of peoples who had been held in varying degrees of political bondage, with results which any thoughtful student of comparative politics might have foreseen. Benjamin Disraeli once remarked that mankind had never discovered but two methods of rulership, namely, government by tradition and government by force. Some of the democracies which were the progeny of the war had no fixed traditions. Inevitably they soon swung to the other alternative.

The author then traces in some detail the spread of dictatorship, interspersing lively comments as he goes along. A good deal of attention is given to Fascism and Hitlerism in their varied phases. Another stimulating chapter reviews the various compromises with autocracy which have had to be made by divers European governments in the effort to keep democratic edifices from crumbling. The sinuosities of national politics in Great Britain and France during the past dozen years are briefly sketched. From this survey Professor Rogers concludes that a well-anchored democratic government can hold measurably well to its course in any ordinary crisis when it sets out to do so, and that resort to a dictatorship is neither essential nor inevitable in countries where traditions of constitutionalism are firmly set. When a parliament or congress temporarily transfers praetorian powers to the chief executive for use in an emergency, such action is often hailed as an indication that representative government has gone bankrupt, but Professor Rogers believes that it ought to be hailed as an indication of the resiliency and resourcefulness with which free government is endowed.

The later chapters of the book deal with crisis government in the United States. The significance of the shift from Hoover to Roosevelt is given a twenty-page discussion which is well worth reading whether one agrees with the author's point of view or not. In any event, here is a writer who does not believe in evading issues or concealing his own opinions. Perhaps he would not be willing to die for any of the opinions expressed in this little volume, but he has at any rate given his readers some things to think about, including his parting shot that "anyone who has seen government and industry at close range should be convinced that attempts by the former to administer the latter would in the United States be accompanied by waste and suffering far greater than the waste and suffering of a rugged individualism."

WILLIAM B. MUNRO.

*California Institute of Technology.*

*Do We Want Fascism?* BY CARMEN HAIDER. (New York: John Day Company. 1934. Pp. 276.)

*B. U. F.; Oswald Mosley and British Fascism.* BY JAMES DRENNAN. (London: John Murray. 1934. Pp. 293.)

The first of these two books consists of two parts, one dealing with the rise of Fascism in Europe, the other with the situation in the United States. The former is the best brief analysis of the Fascist movement in Italy and Germany which has come to the attention of this reviewer. Miss Haider's previous work, *Capital and Labor under Fascism*, furnished convincing evidence of her competence for her task. Her diagnosis of the political and economic conditions under which Fascism developed is excellent. It is more dispassionate and objective than that in Strachey's *The Menace of Fascism*, with which it is most comparable, and will be more serviceable to American teachers of comparative government. The chapter on the fundamentals of Fascism, however, reflects an attitude toward Fascism not radically different from that of Strachey.

The latter part of Miss Haider's book is somewhat less satisfactory. The author indicates clearly enough the possibility of Fascist movements in the United States and sets forth the grounds for her conviction that such movements are to be deplored. But she does not give a clear answer to her main question. For whether we want Fascism depends partly upon our consciousness of a freedom of choice in the matter, and partly upon the nature of the alternatives. Miss Haider apparently does not believe that Fascism is inevitable in America, but whether it is to be avoided by maintaining somehow the present political and economic order or only by choosing a form of socialism or communism remains in doubt. The root of the difficulty seems to be a failure to distinguish between the various

forms of class struggle which may be possible in such a country as America.

The volume on Mosley and British Fascism is the work of the ablest of the theoreticians in the British Union of Fascists. It is strongest where Miss Haider's analysis most needs supplementing, that is, in its portrayal of the psychological environment of Fascism. Its strength lies, however, not in any deliberate treatment of the psychopathology of the British population, but in the whole tone of the book, which unconsciously betrays the temper of British Fascism. A perusal of the volume will confirm the reader's disposition to sympathize with Miss Haider's reaction against all Fascist movements, wherever they may be found. It will also throw light on the problem of avoiding them, if circumstances should conspire in their favor. For the development of the Fascist movement in Great Britain has been manifestly promoted, if not entirely produced, by the avoidable errors of the British Government itself.

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*New Governments in Europe.* EDITED BY RAYMOND LESLIE BUELL. (New York: Thomas Nelson and Sons. 1934. Pp. xiv, 440.)

The publications of the Foreign Policy Association, in the form of *Foreign Policy Reports*, are well known to students of public affairs. The Association, through its interest in and studies of political developments in the various parts of the world, is able to present up-to-date accounts in respect to certain countries and their institutions which are apparently in never-ending flux. The volume entitled *New Governments in Europe* is a collection of such accounts, revised at the last possible moment and elaborately documented. They deal, as the sub-title indicates, with "the trend towards dictatorship." The collaborators consist of two members of the staff of the Foreign Policy Association and two able teachers. A short preface has been written by the editor.

Three sections of the volume are contributed by Dr. Vera Micheles Dean. An introductory section of some twenty pages, "The Attack on Democracy," strikes the key-note of the several studies. The other two sections are studies of Fascist Italy and Soviet Russia. They are placed first and fourth respectively in the series of five studies. They are satisfactory accounts of what are doubtless the best established and most important of the European dictatorships.

The second section, that by Dr. Mildred S. Wertheimer on the Nazi Revolution, is perhaps, from the nature of the case, the most difficult attempt made in the volume. Though the Third Reich has only recently celebrated its first birthday, this section manages to compress within re-

stricted limits a formidable amount of interesting and important material. The study sketches the evolution and nature of German nationalism and of the National Socialist party; it traces the events of the political situation immediately preceding the National Revolution; it gives, in a compact and especially important chapter, an account of the establishment of the Third Reich; and, finally, it deals with the position of the Jews in Germany today.

In a third section, entitled "Stability in the Baltic States," Professor Malbone W. Graham, of the University of California at Los Angeles, briefly traces recent political events successively in Finland, Estonia, Latvia, Lithuania, and Poland.

The final section is concerned with "Spain under the Republic." At the risk of odious comparison, one is tempted to award it first prize as the most successfully organized and executed of the several studies. The author is Mr. Bailey W. Diffie, of the College of the City of New York.

R. K. Gooch.

*University of Virginia.*

*The Growth of Executive Power in Germany; A Study of the German Presidency.* By Harlow James Heneman. (Minneapolis: The Voyageur Press. 1934. Pp. xv, 256.)

The present volume contains a rather extensive discussion of a very significant topic. The material is presented in readable fashion, partly from an historical and partly from a legal or analytical point of view. As the title indicates, the author traces the various aspects of the growing presidential power in Republican Germany, a development which ended abruptly in 1933. In the first chapter, entitled "From the Pre-War to the Post-War System," a rather legalistic sketch of the imperial constitution provides the background for a discussion of the transition into which it drifted during and after the War. The author's failure to use the extensive materials gathered by the parliamentary investigating commission on "The Causes of the German Collapse in 1918" and similar documentary evidence deprives his analysis of striking originality or profound insight. Again, the notion that the pre-war German government was "absolutist" suggests a certain lack of historical background.

When Mr. Heneman comes to consider "The Constitutional Assembly and the Presidency," he is on surer ground; and having made a careful study of the essential documents, he arrives at statements which can be accepted as substantially accurate, although unfortunately they are not summarized succinctly. In fact, there is a certain diffuseness to the whole discussion which could, in the opinion of the reviewer, have been avoided by the condensation of conflicting points of view.

In Chapter III, the "General Nature of the Presidency" is outlined, and a comparison with the French and the American presidential power is woven into the discussion. This chapter serves as an introduction to the more detailed discussion of the following three chapters, which are concerned with "Presidential Authority in Administrative and Legislative Affairs," "President and Cabinet," and "Presidential Powers under Article 48." Though the author avoids distinct partisanship, he does not see far beyond the dogmatic constitutional veil as it hung over the Weimar Republic. And again, the sources are insufficient. Several doctor's theses, some of them rather insignificant, are cited, while important material of less obvious location, such as the lengthy diaries of Stresemann, is entirely omitted. The discussion also lacks theoretical comprehension. The intrinsically important chapter on president and cabinet begins with a contrast between English and French parliamentary government, but without showing familiarity with the special contributions in this field of men like Barthélemy, Hatschek, Kelsen, or Smend, to mention only some of the better known authors. A further exploration of these earlier studies would have broadened the author's comprehension of the general problems and helped him in eliminating mutually conflicting views and interpretations. It would also perhaps have persuaded him of the desirability of drastic cutting in his presentation of well known facts and views.

A valuable feature of the book is two chapters on "The First President: Friedrich Ebert" and "Paul von Hindenburg, President," although they too could have been made considerably more valuable if readily available documentary evidence had been studied. At least Scheidemann and Stresemann would seem entitled to a hearing, particularly since a whole section of the latter's diaries is concerned with the election of Hindenburg, and others with the difficulties encountered by Stresemann in securing the aged Field Marshal's adherence to the policy of Locarno.

In summary, it may be said that we have in Mr. Heneman's book a good beginning for a really valuable study on an important topic of comparative government.

CARL JOACHIM FRIEDRICH.

*Harvard University.*

*The Growth of the National Government, 1915–1932.* BY CARROLL H. WOODDY. (New York: McGraw-Hill Book Company. 1934. Pp. xiii, 577.)

This is one of the series of monographs prepared for the use of President Hoover's Committee on Social Trends in the preparation of its report on "Social Trends in the United States." Among social trends, few are of greater importance than the changes that may be taking place with

respect to the rôle of government in the social and economic life of the people. The American people started their independent existence with the two deeply rooted correlative beliefs that, in the political field, that government was best that governed least and that, in the field of economics, in the doctrine of *laissez-faire* was to be found the fundamental basis for economic endeavor. It is hardly necessary to say that, though both of these beliefs are still widely held, circumstances have compelled a sharp departure from them in practice.

It is one thing, however, to recognize a general fact and another to have detailed information regarding the extent to which this expanding rôle of government has proceeded and the particular directions that it has taken. In the work under review, the author has attempted to supply this information so far as the national government is concerned. The great bulk of the work is given over to a detailed listing and description of the existing activities of that government, with an indication of the extent to which these activities have been entered upon during the period under review. In the publication of this statement, the author has drawn heavily upon the publications of the Institute for Government Research, and particularly upon the latter's sixty-five "Service Monographs of the National Government." He has, however, performed a large amount of labor in the way of bringing the data therein contained down to date and in supplementing them by information drawn from the administrative reports of the several services and other documents and from responses made to direct inquiries addressed to the services. The result is that nowhere else can there be found within the compass of a single volume so complete a picture of the administrative activities of the national government in 1932.

A mere enumeration of the activities of a government, even though accompanied by information regarding the dates at which they were first entered upon, is not sufficient to accomplish the primary objective of the study—that of revealing basic trends. To do this, such information must be supplemented by data indicating the volume of these activities, the relation that this volume bears to that of the activities of other governmental bodies and the sum total of activities representing private action, and the functional character of the new activities assumed. To state this in another way, the really important information that it is desirable to have with regard to the growth of a government is whether this growth is disproportionate to the growth that has taken place in other fields of endeavor, and whether it represents the entrance of the government into entirely new fields. These *desiderata* have been fully appreciated by the author, and the data presented have been subjected to analysis for the purpose of throwing light upon these general matters.

To the political scientist, the most important point brought out by the

analysis is that, while a great increase in the total volume of activities by the national government took place during the period covered, this increase was almost wholly within fields previously occupied. Where new fields were entered, it was due, for the most part, to the rise of new inventions, such as aviation and radio, the nature of which practically compelled action by the government of a promotive and regulatory character. In a word, the study reveals but little change of opinion on the part of the American people with respect to the part that their national government should play in the conduct of their affairs, from what may be termed the purely functional standpoint. Practically the only new function assumed by the national government during this period was that of acting as an agency for the financing of private enterprises through the grant of reimbursable loans and the acquisition of the securities of newly created corporations such as the Federal Farm Loan and Intermediate Credit Banks, the War Finance Corporation, and its successor, the Reconstruction Finance Corporation. The history of the period does show, however, a greatly increased tendency on the part of the national government to coöperate with the states in the performance by them of certain of their functions, such as the construction of highways, the provision of vocational education, the care of public health, and the like. In the field of criminal law, the national government has also greatly expanded its responsibilities, an expansion which there is every indication will continue with increasing force.

One cannot read this study, however, without the feeling that, while it traces faithfully events of the period covered, it by no means affords an accurate picture of trends at the present time. In combatting the unexampled industrial depression from which the country is now suffering, the national government has taken to itself new responsibilities that cannot fail profoundly to modify the place that it will occupy in our political system in the future. It remains for a future historian, however, to point out and comment upon the significance of these changes.

W. F. WILLOUGHBY.

*The Veterans' Administration; Its History, Activities, and Organization.* By GUSTAVUS A. WEBER AND LAURENCE F. SCHMECKEBIER. (Washington: The Brookings Institution. 1934. Pp. xi, 490.)

This volume is No. 66 of the "Service Monographs of the United States Government," the well-known series the first number of which was published by the Institute for Government Research in 1918. In general, it follows the "uniform plan" of the series (p. vi). Three chapters deal at length with "History," "Activities," and "Organization," and three appendices with "Plant," "Laws and Executive Orders," and "Statistical Tables," there being thirty-nine of the latter.

The historical chapter begins with "colonial veterans' relief" and carries the story to January, 1934. On March 28, 1934, the Independent Offices Appropriation Bill became law over the veto of President Roosevelt. Thus does history repeat itself. "No less than eleven bills relating to veterans . . . [have] been vetoed from 1922 to 1932, and four passed over the Presidential disapproval; no doubt others were materially modified as the result of executive pressure" (p. vi). In this connection, it is worth noting that on June 30, 1932, the beneficiaries "(exclusive of insurance and adjusted compensation) number almost 1,600,000 persons" (p. v). Did not somebody say recently that the gravest danger of democracy lies in the temptation of officials to give and of the people to accept bribes formally appropriated out of the treasury? Are otherwise justifiable measures of the New Deal corrupting the American democracy in this way?

It is trite to remark that public administration is rapidly becoming one of the first problems of government. These service monographs represent painstaking compilation and organization of data. They do what they purport to do; they render information "available in such a form that it can be utilized readily" (p. v). They are "wholly descriptive. . . . The primary purpose . . . is to present the facts" (p. vi). But how many monographs will it take to present all the facts about all branches of federal administration? Would the Institute's energies not be better distributed if its monographs did "evaluate the legislation that has been enacted" and "point out defects in administrative organization" (p. vi)? Then facts could be selected to some end, whereas now all facts must be included because there is no criterion of selection, and there is no time or energy left for a contribution to the art of public administration. "Upon the public, legislators, and administrators falls the responsibility for making changes" (p. vi). But certainly the responsibility falls upon research institutions for telling them *what* changes to make. This is said with all respect for the care and labor of the authors. What they do is of value in absolute terms, but the reviewer must record his belief that they could do something of greater relative value in this finite world.

JAMES HART.

*Johns Hopkins University.*

*Municipal Administration.* By WILLIAM B. MUNRO. (New York: The Macmillan Company. 1934. Pp. viii, 699.)

Every writer on municipal administration is indebted to Professor Munro, whose pioneer texts, published in 1915 and 1923, have done so much to stimulate an interest in applied political science. The present volume is the only book on municipal administration that has appeared since 1929. Lent D. Upson's *The Practice of Municipal Administration*

(Century Company) appeared in 1926, and Austin F. Macdonald's *American City Government and Administration* (Thomas Y. Crowell) in 1929. As Professor Munro points out in his preface, the changes in the technique of municipal administration during the past ten years have been so frequent and of such far-reaching importance that relatively little of the material in the 1923 volume has proved useful in preparing this new edition. For example, the present volume contains new chapters, not contained in the 1923 volume, on traffic regulation, special assessments, abatement of nuisances, inspection of weights and measures, law department, hospitals, public libraries, municipal airports, the city clerk, and various other activities. The material, written in an easy and readable style, is very well organized in logical sequence in forty-six chapters, under the following main headings: administrative organization and personnel, staff departments and their work, municipal finance, city planning and public improvements, public safety, public welfare, and public utilities.

The organization of material and the chapter headings give the impression that the book has been thoroughly revised, but a careful reading of certain chapters indicates that it is not strictly up to date. While it does indicate some of the current problems of administration, the treatment is very general, many of the references at the end of the chapters are of slight value or are out of date, and practically no attention is given to the highly important recent changes in governmental relationships and their effect on administration. The first three chapters give the impression that city government is still excessively partisan, that public service is still a blind alley, and that "there is hardly a single large city in the United States of which it can be said that political considerations have been altogether eliminated from the making of higher appointments, or have even been reduced to a secondary place in determining the choice." Public administration is compared to private business to the disadvantage of the former, and "municipal employees give a smaller return for their wages than do those who work for private corporations. The only question is how much less?" (p. 36); and the "listlessness of city employees has become proverbial." No mention is made of the excellent work that the professional organization of public officials is doing in improving the administrative service from within and in professionalizing the public service; nor does the author indicate that he is familiar with the training courses offered by many state municipal leagues for various classes of municipal officials.

The reviewer has difficulty in following the author's argument against the administrative board of health (p. 489) while maintaining that the use of the board system is desirable in the administration of personnel, schools, libraries, recreation, and public welfare (pp. 27 and 39). If local

government is to be made more effective, it would appear that we must have still fewer administrative boards and a better integrated municipal administration. There is every indication that the present trend is in that direction.

The statement that more than three hundred cities, including Akron (p. 12), are operating under council-manager government seems a bit archaic in view of the fact that there were 304 cities operating under the manager plan in 1925, that Akron has not operated under the plan since 1923, and that at present there are 425 cities and six counties in the United States with council-manager government.

The chapters on public welfare and housing might as well have been written five years ago. No reference is made to the new relationships and problems in public welfare, perhaps because "amelioration of poverty is not regarded . . . as primarily a public problem." The reader will not so much as discover that there are any public housing authorities in this country.

These shortcomings of Professor Munro's book are not entirely the fault of the author, because even those who are constantly in touch with local government developments find it difficult to keep up to date. This is one reason why a textbook on municipal administration is out of date almost before it can be published.

CLARENCE E. RIDLEY.

*University of Chicago.*

*The City-Manager Profession.* By CLARENCE E. RIDLEY AND ORIN F. NOLTING. (Chicago: University of Chicago Press. 1934. Pp. xv, 143.)

In 1927, Dr. Leonard D. White gave us *The City Manager*—a book which called attention to a new type of municipal official. Since that time the term "city manager" has become much better known and there have come to be many more city managers. Attempts have been made in much fugitive writing to bring this public functionary into some kind of focus and to get a picture of some accuracy. There still remains a widespread impression, however, that here is just a new name and perhaps little else. Fond of devices, Americans have turned to another, but municipal administration remains a kind of game none the less.

Now comes a volume by Clarence E. Ridley and Orin F. Nolting which should be welcomed by all who are interested in the point of view of those who think that they are developing a new profession in the field of public management. Seven chapters discuss, in turn, the idea of the appointive municipal executive, the position of city manager, qualifications, training, selection, and the professional idea. One chapter describes the activities of the City Managers' Association and one analyzes the records of the men in the service. An appendix provides a directory of city and

county managers, the manager code of ethics, and suggested forms for use in selecting a manager. A selected bibliography is included.

In some sense, this is a book about managers by themselves. It is not a treatise on municipal government. The fact, however, that 425 cities in the United States have city managers means that it is worth the while of any student to look inside of the "profession" and understand the point of view of the managers. That point of view coincides at many places with that of those who wish to see municipal life seek higher levels. It begins with the determination to get rid of spoils, to keep administration out of politics, and to develop scientific technique in public administration; and it continues with the desire to give such service a real dignity and a new place in public estimation.

Now that counties are turning to the city-manager field for the new county executive, called a manager, it is high time that there be available a little volume such as the one here described. The book is a first attempt at self survey by a new group of administrators who are attaining self-consciousness.

C. A. DYKSTRA.

*Cincinnati, Ohio.*

*Woodrow Wilson.* By EDITH GITTINGS REID. (New York: Oxford University Press. 1934. Pp. xi, 237.)

Mrs. Reid, a product of Baltimore's best social and intellectual tradition, describes Woodrow Wilson the individual. In her own words, "my aim is to draw a portrait of the man I knew so well." From his days as a university student until his last hours in the little house on "S" street, Mrs. Reid knew him very well. The picture she draws of him is the best we have. The personality of the man stands out as Theodore Roosevelt does in that remarkable book by Owen Wister—*Roosevelt; the Story of a Friendship.*" In many respects Mrs. Reid's book is the best we have on Wilson. It is sketchy at times, as a brief book must be, but it is wonderfully well done and with a sure touch.

The volume is enriched with records of conversations and letters between the two running through many years. One of the best things is the excerpts from the unpublished diary of William Starr Myers describing Princeton faculty meetings. Mrs. Reid understands Princeton, as Mr. Baker certainly did not. And what is much more difficult, she understands Princeton psychology. She describes better than anybody else has done Wilson's Bryn Mawr days and gives us the clue to his dislike of Bryn Mawr. There is an interesting statement concerning his attitude towards colored people. Mrs. Reid's reference to Keats' "The Eve of Saint Mark" gives the key to Mr. Wilson better than anything I know.

Mrs. Reid, however, falls into some curious errors. The first arises

when she endeavors to show that Wilson was not a Southerner. This is nonsense. Mr. Wilson was born in Virginia and spent his first nineteen years exclusively in the South, including a period of residence in Columbia, South Carolina. He always regarded himself as a Southerner and had the attributes and qualities of that region. The author does not understand Dean West. He is a man of much finer and broader sympathies than she intimates. Also Wilson's ambition to be President of the United States, while it came late (1906 or 1907), definitely antedates his governorship of New Jersey. Mrs. Reid does not discuss Wilson's lack of Continental European travel, which was one of his chief drawbacks. She makes mistakes in the date of his birth and the name of the cathedral where he is buried.

The book is a great record of his battles and achievements, and in it, in the language of Professor Harper, "we contemplate as in a dream the promise of peace on earth which he wrote upon the sky."

PAUL M. CUNCANNON.

*University of Michigan.*

*Miners and Management.* BY MARY VAN KLEECK. (New York: Russell Sage Foundation. 1934. Pp. 391).

This work is divided into two parts. The first (pp. 31–175) is an intensive study of union-management coöperation in the Rocky Mountain Fuel Company, under the inspiration and guidance of the president, Josephine Roche, a remarkable woman well-trained in the best traditions of American social philosophy. In this section, the findings and conclusions are organized under the following heads: principles of agreement with the United Mine Workers of America; support for and opposition to the project on the part of the district mine workers, the state federation of labor, other organizations of workers, consumers of coal, other companies, the daily press, and the general public; the collective agreement; labor's productivity; marketing and prices; competition and wages; adjustment of grievances; and measurable results.

Here a single mining concern is placed under a microscope. Its internal structure—relations of labor and management—and operations are subjected to a minute examination. Then its relations to the coal-consuming public, its appeal to humane interests of coal-buyers for support in a highly disorganized and competitive market, are drawn under scrutiny. At the end, the measurable results are tabulated. On the whole, the Rocky Mountain Fuel Company has more than held its own in the markets of the state of Colorado; its operating profits have increased; it has met the interest on a large bonded indebtedness promptly; it has maintained a wage scale for the miners set by agreement; and it has increased the stability of their employment.

It is impossible to set forth in a brief review the details which make this survey of human relations one of the most important social documents of our time. Here is an intimate picture of a single industry amid competitive industries beset by strikes, riots, disorders, poverty, and degradation—a single industry put on its feet and maintained by determined and enlightened management. Here is a revelation of ways in which labor and management *can* coöperate, despite innumerable difficulties, and maintain fairly stable relations. Here also is insight into the reactions of the press and general public to an effort in the direction of decency and stability in a troubled industry. In reading this dramatic story—dramatic despite the sober language in which it is couched—one is moved to ask: What have the sons of our great captains of industry educated in our colleges been doing that they should leave the business of social leadership to a lone female of the species? And the additional question: What effect, if any, has training in the social sciences had on the heirs of gigantic fortunes?

The second part of Miss van Kleeck's volume is a brief survey of the coal industry as a whole—a story of waste, insecurity, cut-throat competition, strikes, poverty, and degradation. Here is an industry that has long been "sick." Management, notwithstanding ups and downs, has been in distress and turmoil; and labor has suffered from uncertainty, unemployment, and demoralizing conditions of life and work. Again and again government has been called upon to intervene on behalf of the "public." Commission after commission has investigated it and reported in favor of heroic action. The United States Coal Commission, in 1923, declared that the coal problem "can only be solved by the Federal Government in coöperation with the industry, working on a national scale and with a clearly defined policy." Yet, today, the coal industry is still in confusion and distress.

Miss van Kleeck proposes to cut the knot: "socialization of all natural resources as part of a planned economy is the only solution for the breakdown of the coal industry in the United States." She would place the entire coal industry under the direct auspices of the Federal Government and have it carried on under scientific management—the rationalized coöperation of technicians and workers. To bring matters down to concrete cases, Miss van Kleeck indicates the lines along which such management should proceed in operating, stabilizing, and conserving the coal industry. At the end, she pertinently suggests that students of economics and government should draw together, pool their resources of knowledge, and take leadership in the solution of such great problems of political economy. This is a challenge that cannot be lightly dismissed.

CHARLES A. BEARD.

*New Milford, Conn.*

*Our Next Step—A National Economic Policy.* By Matthew Woll and William English Walling. (New York and London: Harper and Brothers. 1934. Pp. x, 199.)

Business leadership—or the want of it—was "largely responsible for bringing us where we are." The basic cause of the depression was excessive profits and deficient mass purchasing power." "The purchasing power of the masses during the entire period of prosperity failed to keep up with the rising productivity of industry." "What organized labor has objected to for at least a decade is not only excessive profits but still more the domination of profits and profit-makers over industry, which is even more damaging to the general welfare."

Such being the cause of our present crisis, as these authors see it, the ways out flow from these tenets. They are: higher wages, greater power to labor organizations, less power to business management, greater federal control, especially over corporations, over credit and banking, and over profits and prices. Since higher wages mean higher prices, our export trade must lag, and therefore our policy so far as practicable must be one of "economic nationalism." "Since the American tariff principle requires duties in proportion to the difference in the cost of production at home and abroad, every important step in raising the American standard of living must bring a corresponding increase in the tariff." Our "Next Step" is "the definitive adoption of a national economic policy" that is "based on a progressive raising of the standard of living of the masses of the population."

Matthew Woll is a member of the Executive Council of the American Federation of Labor. William English Walling has "supported the American Federation of Labor with his pen for over two decades." The foreword to the volume is by William Green, president of the American Federation of Labor. The book, therefore, presumably presents the future as the officials of the American Federation of Labor view it.

The authors do not face any of the real problems involved in carrying out the solutions they present. How are we to reduce cotton and tobacco production by forty per cent, and general agricultural output by twenty per cent, so that our agriculture can have a standard of living based solely on domestic prices protected by high tariff walls? What of the difficulties of administering adequate, and hence complete, federal control over profits and prices? No doubt some of the experiments now being carried on will help set the practical limitations to these matters.

Clyde L. King.

*University of Pennsylvania.*

*Modern Hispanic America.* Edited by A. Curtis Wilgus. (Washington: George Washington University Press. 1934. Pp. ix, 630.)

This first volume of a series of Studies in Hispanic American Affairs

published by the George Washington University Press presents the lectures given at a seminar held in July and August, 1932. The object of the sessions was to give an introductory survey of the field of Hispanic American history, culture, and international relations. The sixteen contributing authors are well known students of Latin America, most of them connected with leading American universities.

The discussions have the merits and limitations of all collections of material of this nature. They are of necessity rapid reviews in which generalizations usually must displace analyses of detail, and they lack the connective tissue which can be expected in a well planned text. On the other hand, they have the merit in most cases of the freer literary style which finds its way into discussions prepared for oral presentation and lack the emphasis of detail which in more restricted studies often makes the reader feel that the author "fails to see the forest for the trees."

The first four lectures present an historical review of the establishment of Spanish control, the political and economic administration of the Indies, and the powerful rôle played by the Roman Church in the colonial period. These are followed by studies of modern political, economic, and social developments and discussions of international relations. Analyses of the position of the Caribbean fruit industry, the earlier developments in "guano diplomacy," and the attitude of the British bondholders toward the Roosevelt corollary to the Monroe Doctrine present special phases in clearer outline than is possible in the survey chapters.

It is not to be expected that a volume of this sort will have unity of interest, but its chapters have very decided value for the reader who seeks first a general picture of the background of Latin American life, supplemented by a number of studies of some of the influences which shape current developments. With its companion volumes, still to be published, the present book should do much to make easily available to the public materials bearing on the still neglected Latin American field of study.

CHESTER LLOYD JONES.

*University of Wisconsin.*

*British Colonial Government After the American Revolution, 1782–1820.* BY HELEN TAFT MANNING. (New Haven: Yale University Press. 1933. Pp. xii, 568.)

The period covered by this book, the doldrums of British imperial history, has hitherto remained largely uncharted except for isolated subjects and separate colonies. Dean Manning here surveys the period as a whole and from the imperial point of view.

The liberal policies of Selbourne which made possible a rather magnanimous treaty of peace with the late revolted colonies, and which promised

freer trade and a larger measure of self-government for the remaining colonies, was of short duration. By 1784 the old régime was again in the saddle; the late colonies were largely excluded from West Indies trade; a policy of rebuilding a self-contained empire was continued; and the old restraints on colonial self-government were added to. The only lesson England seemed to have learned from the Revolution was the inexpediency of legislative interference in internal colonial affairs. Markets were the pressing commercial need of the day, and the Empire was still looked upon in official circles as the obvious answer to the problem. One development was the establishment of several free ports in the remaining American colonies to encourage the distribution of manufactures to the new United States and to Spanish colonies in the south. Except in India, imperial expansion during the period was less the result of deliberate policy than the indirect consequence of commercial expansion. As respects administrative technique, eighteenth-century methods carried on into the nineteenth. Only in Canada and Dutch South Africa, where the Empire faced the problem of governing alien peoples, was there real scope for experimentation; but methods even here were largely traditional except as local conditions forced changes. Almost imperceptibly, administrative methods were becoming more elastic. Yet it is only too obvious that the changes in imperial policy which began with Huskisson's great fiscal reforms after the period under review were due, not to enlightenment in the Colonial Office, but to pressure of economic changes.

If the results of Dean Manning's inquiry are largely "negative" as respects discovering significant developments during the period, her book is none the less important. It fills a gap which has been only too obvious in imperial history. Her work is objective, comprehensive in its scope, if not exhaustive on all of the subjects touched upon, well arranged, clearly written, and thoroughly documented. Students of the period, whether concerned with the imperial or with the colonial side, will find her book an almost indispensable guide.

ROBERT A. MACKAY.

*Dalhousie University.*

*The Soviets at Geneva.* BY KATHRYN W. DAVIS. (Geneva: Librairie Kundig. 1934. Pp. 315.)

This study of Soviet Russia's relations with the League of Nations is as thorough and readable as it is timely. Publicists of internationalism have hitherto paid scant attention to the problem of fitting proletarian Russia into the liberal-democratic-bourgeois framework of world organization, yet that problem, admittedly a difficult one, must be grappled with if the League is to become in fact what it is in aspiration. Dr. Davis's careful account, based on an exhaustive use of League documents and

other sources, provides the necessary point of departure for any examination of the possibilities of future coöperation.

Notwithstanding Soviet characterizations of the League as an anti-Bolshevik organization and an ineffective, not to say hypocritical, instrument of peace, the U.S.S.R. has found it to its advantage to participate in a number of technical activities of the League, notably economic conferences, and in the political work of disarmament, though consistently eschewing—until very recently—other forms of political collaboration. Incidentally, a comparison between the extent of Soviet cooperation with the League and that of the average League member would have made an interesting addendum to the book. While Soviet coöperation has been relatively small, it has been more extensive than is generally realized, and on disarmament contributions have been large.

As described by the author, Soviet relations with the League fall into four stages: a period of non-recognition and aloofness, lasting roughly until 1922; a period of cautious coöperation in non-political fields, ending with Locarno, which was interpreted in Moscow as an anti-Soviet alignment; a third period, following Germany's entry into the League, characterized by increased interest and participation in League activities, which took the form, however, of criticism rather than coöperation; and a fourth period, beginning in 1932, of progressive *detente* with the League and League members, which now bids fair to culminate in close political coöperation, and even in actual membership. This remarkable and rapid evolution of Soviet foreign policy, the effects of which on its attitude to the League are traced by the author up to the beginning of 1934, is explained by Soviet leaders (e.g., Karl Radek in *Izvestia*, May 29, 1934) on the ground that changes in the composition of the League have made it no longer an enemy, but a potential ally, of the Soviet Union's own well established policy of peace.

Although the author fairly describes herself as "at once sympathetic to and critical of both the Geneva and Moscow experiments," her sympathies are directed preponderantly toward Geneva, her criticisms toward Moscow. In particular, her free use of the dangerous word "propaganda" may possibly give rise to misconceptions. It is true that Soviet representatives at Geneva have made propaganda in the dictionary sense; but the reviewer's reading of the documents inclines her to believe that, taking the period as a whole, this "propaganda" was intended at least as much to convince the governments of the world of Soviet Russia's peaceful intentions, economic stability, and credit-worthiness as to stimulate popular revolt against those governments. Furthermore, much of what was labeled "propaganda" by opponents was advanced in support of the Soviet Union's position on the questions under discussion—a perfectly respectable procedure at international conferences.

The author's greater familiarity with the Geneva viewpoint is revealed also in her evaluation, in the last few pages, of Russia's possible motives for closer coöperation with the League. The arguments advanced were obviously made in Geneva and not in Moscow, and therefore lose sight of the fact that Soviet *rapprochement* with the bourgeois peace machinery, is, for Russia, a frankly temporary strategy; this attitude is clearly implicit in various public statements by Soviet leaders. Whether the attractions of Geneva will make the attachment a permanent one is, of course, another matter.

Notwithstanding all this, Dr. Davis's treatment is, on the whole, remarkably objective. She has written a valuable and penetrating book, which should be indispensable to students of the Soviet Union and of the League of Nations.

MIRIAM S. FARLEY.

*New York City.*

*Du Droit de Paix: De Jure Pacis.* By C. VAN VOLLENHOVEN. (The Hague: Martinus Nijhoff. 1932. Pp. xi, 251.)

Seldom does one encounter a book which may be praised so wholeheartedly as this excellent work by the late Professor van Vollenhoven of Leyden. Its striking originality, thorough historical erudition, and vigorous cogency of thought stamp it as one of the most important publications of recent years. It contains in book form material originally prepared as lectures to be given at the Academy of International Law at The Hague, which Professor van Vollenhoven was prevented by illness from delivering.

The author calls attention at the outset to the fact that most writers on the law of peace (in spite of the example set by Neyron and Pütter) have been content to give either a history of international politics and diplomacy on the one hand, or, on the other, a history of the theories and opinions held by previous writers. Professor van Vollenhoven proposes to (and does) sketch the actual history of the positive law of peace. Presenting a wealth of interesting data generally overlooked, he traces the law of peace from its mediaeval beginnings, which came into being following the era of anarchy tempered by the Truce of God. Consular and admiralty functions, commercial associations of the Hansa towns, guarantees for the observance of peace treaties, international conferences and arbitration—all the elements of a rudimentary international organization—had their place in the mediaeval law of peace.

But fatal weaknesses menaced this régime. Lack of good faith among rulers, absence of settled, well-organized states with fixed frontiers and population, and of definite rules prescribing the rights of non-belligerents were among the factors undermining the law of peace. Moreover, the

Crusades, like the wars of Hebraic and Roman antiquity, were regarded as a "holy war," not undertaken in order to uphold the law of peace, but in virtue of a direct spiritual sanction (*Dieu le veut*). The law of war and the law of peace were separate and unrelated. The mediaeval period (1150–1492) thus led to that of the uncontested supremacy of the *Jus Belli* (1492–1780), entirely eclipsing for the time being the law of peace.

The law of peace again began to claim attention when the period of *Jus Belli ac Pacis* (1780–1914) dawned with the rise of armed neutrality, the influence of the United States exerted in behalf of non-belligerents' rights, the revival of arbitration by the Jay treaty, the internationalization of rivers at the Congress of Vienna. On significant occasions during this era, the United States, Russia, and Germany complied with treaties disadvantageous to their own national interests. The solidly organized state system and scientifically elaborated body of law, lacking in mediaeval times, had now been attained. Yet most of the wars from 1898 to 1912 were wars of purely national ambition, not waged for the sake of enforcing the law of peace. The old supremacy of the independent law of war, the holy crusade, survived even into the period of *Jus Pacis ac Belli* (1919–1931), when the need of an organized peace began to be keenly felt. The mediaeval idea of international organization based on individuals acting as organs, not of particular states, but of an international community, was revived.

The period of true *Jus Pacis* has not been attained as yet. But Professor van Vollenhoven finds the foundation on which to base it in Article 11 of the Covenant of the League of Nations, which makes it the duty of the League to stop all wars, just as the police must stop brawls between individuals. In order that the League may effectually perform its task and furnish nations adequate security against aggression, Professor van Vollenhoven favors gradual transfer of national armaments to the League.

It is not beyond the power of modern military science, Professor van Vollenhoven believes, to attain such a geographical distribution of armed forces under international control as will insure the safety of all nations without employing the revolting instruments of modern warfare. Likewise, it is not beyond the ability of modern political science to devise guarantees that such forces shall be used impartially, and for no other purpose than (1) to prevent armed conflict between states, and (2) to execute the decision of an international judge. Recent experience has shown that impartiality in international officials is not unattainable; and constitutional law, with its checks and balances, demonstrates the feasibility of safeguards against arbitrary or illegal action by governmental organs.

EDWARD DUMBAULD.

*Uniontown, Pa.*

*Internationales Finanzrecht.* By Ernst Isay. (Stuttgart and Berlin: Kohlhammer. 1934. Pp. v, 285.)

The title of this book is somewhat misleading. The author, a well known writer on legal matters, does not attempt to give a comparative international survey of financial laws or to analyze the many-sided problems of international relations arising out of governmental finance and taxation. The problem is restricted mainly to what he calls the "conflicts" of financial sovereignties, or the *Kollisionsnormen* as opposed to the "material" norms of financial law systems (pp. 8 ff., 18 ff.). Accordingly, the book is divided into two main parts. About half of it (pp. 145–268) describes the treatment of foreigners with regard to each major type of tax (direct and inheritance taxes, *Verkehrsteuern* and consumption taxes, etc.) in Germany and four to twelve other countries, including the United States. The description is based in most cases on first-hand material and uses also the publications of the League of Nations. The reviewer is not in a position to ascertain whether the author has exhausted the subject for each country, but he believes that the author's analysis leads in each case to an understanding of the legal position and to an up-to-date grasp of both legislation and administration.

The rest of the book is devoted to a conceptual discussion, mainly *de lege ferenda*. What should be the line of attack on the question? Under whose financial sovereignty falls an individual or a firm with seats in different countries? The author's theory is opposed to the usual purely legal type of approach, and insists that the decision ought to be on the basis of economically significant characteristics. Whether home or foreign financial law should be applied ought to depend, in his opinion, upon the question: of which country does the object of taxation form economically a part? The economically significant rôle of the object ought to mark, in other words, the line of taxation. Of course, this introduces a number of further questions of definition, which might not be so easily disposed of as the author seems to assume. But at any rate, his approach marks progress on the subject by overcoming the purely legalistic and technical method of distinctions and attacking the matter from the angle which is the really significant one in the case. His further argument (pp. 269 ff.) that the positive laws of most leading countries are in accordance with the postulates of international law as he formulates them is by no means sufficiently convincing.

On the whole, a scholarly work of substantial use for practical purposes as well as for the student of international law, public finance, and to some extent of political science too.

Melchior Palyi.

*University of Chicago.*

## BRIEFER NOTICES

### AMERICAN NATIONAL GOVERNMENT AND CONSTITUTIONAL LAW

In William Beard's *Government and Technology* (Macmillan Co., pp. vi, 599), the usual chapter headings which characterize the orthodox textbook in American government are absent. Instead, such topics as the relation of technology to government, popular control in a technological society, public works, the regulation of public utilities, patents, copyrights, and trademarks are discussed in their special relation to the engineer. The author has assembled an enormous number of illustrations drawn from the entire gamut of engineering activities, the endeavor being to show the increasingly intimate relations which exist between government and technology and to indicate the difficulty of carrying on democratic government in a scientific age. Representing one of the pioneer attempts to deal somewhat exhaustively with the entire field of government and engineering, the treatise lacks a certain synthesis. Mr. Beard complains that an engineer experiences serious difficulty in appreciating the distinction between law and administrative rulings, the principle of the separation of powers, the judicial operations which lead the Supreme Court to declare one law constitutional and another invalid, and the elaborate rules and procedures, which have grown around law-making. A lusty discontent is expressed with the veto, popular election of officials charged with technical duties, the initiative and referendum, and other processes of government when they operate to delay or permanently postpone the construction of dams, canals, bridges, highways, and concrete retaining walls. The difficulty of fitting engineering practises with established political patterns is vividly pointed out. The book, designed for the use of engineering students in courses in government, is well adapted to the class-room. An excellent selected bibliography has been compiled on the various subjects treated, enabling the reader to pursue his particular interest by further reading.—GEDDES W. RUTHERFORD.

The major part of *The American People and Their Government* (D. Appleton-Century Co., pp. xiv, 629), by Arnold J. Lien and Merle Fainsod, is a highly condensed presentation of the material which customarily occupies twice as much space in the conventional college textbook. About 420 pages encompass the organization, function, and control of American government from White House to village hall. This is prefaced by some eighty pages of facts about the people of the United States and its possessions, and is followed by more than 100 pages of appendices and index. The section on population is concerned with such matters as increase and shifts in population, occupations and incomes, immigration policies, and forces making for assimilation of newcomers. The entire

book is designed to present fact in its barest details, leaving to instructor, collateral reading, or other agency, the task of breathing life and color into form. Illustrative anecdote and wise observation are generally lacking. The nature of popular control of government and the interdependency of American and foreign peoples are discussed at greater length than other topics, but even here the pages bristle with points and subpoints inviting memorization. But this task of condensation is performed with unusual accuracy, clarity, and dignity of style; and the instructor who prefers to supply his students with a factual hand-book should greet this text with joy.—CHARLES S. HYNEMAN.

"This book," says President Roosevelt in the initial paragraph of *On Our Way* (John Day Co., pp. xiv, 300), "without argument and without extended explanation, seeks to set forth simply the many significant events of a very busy year. It was a year of redemption and consummation—the redemption of pledges to the people of America and the consummation of the hopes of the many who looked forward to a better ordered common life. I am setting forth the milestones that mark the achievement of a new public policy." The three hundred pages that follow consist predominantly of excerpts from speeches, messages, and letters relating to the country's affairs in the first year of the Administration, with a slender connecting thread of narrative and comment, presumably supplied principally by a "ghost writer." One would not, therefore, expect to find in the volume much that would be new to a person reasonably familiar with the President's utterances and with what has been going on in these latter days in Washington—which is but a way of saying that for the serious student the book has no particular value. The usefulness of the volume as a means of giving the citizen a connected view of things, and incidentally holding his confidence and support for the Administration's leader and his policies, is quite a different matter. One dislikes to apply the much-abused term "propaganda"; but if plausible the persuasive exposition of a plan of action be propaganda of a sort, one will look far for a better example of it than *On Our Way*.—F. A. O.

*American Labor and the Nation* (University of Chicago Press), edited by Spencer Miller, Jr., is a collection of twenty radio talks delivered over a nation-wide net-work between May Day and Labor Sunday, 1932, under the auspices of the National Advisory Council on Radio in Education. The occasion for these talks was the fiftieth anniversary of the American Federation of Labor. The twenty addresses are subdivided into Series 1, which is historical in character, and Series 2, which deals with contemporary problems. The authors are all well known figures in the American Federation of Labor, including its president, William Green, Matthew Woll, Frank Morrison, John L. Lewis, Daniel Tobin, John P.

Frye, Victor A. Olander, James Wilson, Paul Scharrenberg, and others. The topics discussed in the first series include the rise of the labor movement and the contributions made by labor toward the winning of free speech, public education, and politics. The second series considers the problems of the closed and open shop, technological unemployment, collective bargaining, labor legislation, judicial reform, immigration, and the negro. The addresses are clear in language but rather general in thought. The volume is interesting as a summary of the official point of view of the American Federation of Labor as of 1932, but there is nothing in it to suggest the serious changes that were impending in the American labor movement at that time.—Lewis L. Lorwin.

During the past winter, some nine lectures on various aspects of the New Deal were delivered at Swarthmore College, on the William J. Cooper Foundation, by Messrs. Dickinson, Tugwell, Onthank, Wolman, and other persons connected in one way or another with the enterprise, at the time or in the recent past. Under the editorship of Clair Wilcox, Herbert F. Fraser, and Patrick M. Malin—all of the department of economics of the College—the series has been gathered into a volume entitled *America's Recovery Program* (Oxford University Press, pp. 253) As would be expected, the lectures treat their respective topics on rather broad and general lines; although Mr. Onthank, secretary to the executive of the N.R.A., gets down to brass tacks in describing the actual procedures by which the codes were made. And the points of view reflected are as various as those that have been evidenced in the New Deal as a going concern. The editors supply a terse Introduction in which they do not hesitate, after endorsing various of the Administration's policies, to admit that they "do not look upon the National Industrial Recovery Act, despite its name, as a recovery device." "We conclude," they add, that a program of debt reduction plus sound money plus public works plus tariff reduction, without the N.I.R.A., would have offered us a shorter road to recovery than the one which the Administration has chosen to take." The agricultural program, so optimistically heralded by Mr. Tugwell, is criticized with particular severity.

The second edition of Dr. Lewis Mayers' *A Handbook of N.R.A.* (Federal Codes Inc., pp. xxiii, 842) has recently appeared, bringing the statistical and other information down to the first of this year. With its bi-weekly supplements, it offers the most comprehensive survey of legislative, administrative, and judicial action within the terms of the N.I.R.A. The plan of the present edition follows the main outlines of the first. The act itself is given, together with administrative rulings upon its application in specific instances, and court opinions upon its constitutionality. The following two sections analyze the codes as to particular

aspects, such as labor provisions, price-fixing regulations, use of the "blue eagle," the administration of enforcement provisions, marketing and sales practices, production control, etc. Two sections deal with special instances of the application to industry: the "blanket code," now superseded by the individual industrial codes, and the code for the petroleum industry, which has been placed under the jurisdiction of the Secretary of the Interior. The final sections of the *Handbook* include the texts of the state recovery acts, and of the codes approved to the end of 1933. If the present loose-leaf file of current materials is continued, there is here an invaluable source for the observation and appraisal of administrative practice and judicial action in defining the course of the New Deal experiment. Dr. Mayers has made available to the student and business man much material not easily obtainable in any case, and quite inaccessible to the average library or seminar, and has organized it admirably for both practical and academic use.—PHILLIPS BRADLEY.

In his *Trade Associations and Industrial Control* (Central Book Co., pp. vii, 204), Simon E. Whitney presents in clear style a critical analysis of the National Recovery Act. The book contains chapters on the aims of the act, the precedents for it, and the trade association movement, together with an appraisal of the results of some eight trade associations and a concluding chapter containing some general observations on industrial control. In his preface, the author, who has had academic experience as well as governmental service in the Department of Justice, states that the conclusions reached are adverse to continuance of the Recovery Act. In his concluding chapter, he warns the reader not to overlook the popularity of the competitive system and observes that free competition is the second choice of almost everyone, industrial leaders as well as government officials.—EARL W. CRECRAFT.

### STATE AND LOCAL GOVERNMENT

Under the title of *American State Government and Administration* (Crowell, pp. xiii, 839), Austin F. Macdonald has written an able addition to the group of texts available for courses on state government. His book will be particularly welcome to those who wish to cover in detail the problems of state administration as well as the standard treatment of state and local government taken for granted in courses on this subject. Professor Macdonald has written concise chapters on each of the important phases of state administration—charity, education, health and highways, to mention only a few. Another significant group of chapters deals with the merit system, state expenditures and indebtedness, and state revenues. The modern problems of the relation of the state to business and to labor are likewise the subject of separate chapters. The

style is lucid and readable. The work as a whole gives a comprehensive review of state government and administration. Each chapter closes with a set of problems for students to work out and a list of selected references. The third edition of the Model State Constitution is included in an appendix. There is a table of cases and a detailed index. Professor Macdonald's work raises the issue of whether or not political scientists should accord to state government and administration the status of a full-year course rather than the customary one-semester treatment following American national government.—A. W. Bromage.

Four years ago the prevalence of crime in Chicago had made that city the tragic butt of "gag-men" and political mismanagement of the Chicago police department resulted in a serious recommendation that the entire force be disbanded and be rebuilt from patrolmen to commissioner. At this point, a Citizens Police Committee undertook a survey of the department under the able direction of Mr. Bruce Smith, and fortunately with the coöperation of Captain William F. Russell, who was police commissioner through the period of this preliminary study. The numerous detailed findings were published in 1931 under the title of *Chicago Police Problems*, which, while discussing the police situation in only a single city, is nevertheless one of the few available and worth-while texts on American police organization and administration. This report was followed by an invitation to the survey staff from the Chicago authorities to assist in reorganizing the police department, a task that has been under way for two and a half years. Now in a brief pamphlet—*Chicago Police Problems; An Approach to Their Solution* (Institute of Public Administration, pp. 48)—Mr. Smith summarizes both the principal recommendations of the survey and the progress that has been made to make them effective. Of equal significance, he reiterates those findings about which little or nothing has been done—a shrewd method of renewing to public and official attention recommendations that might be forgotten. The value of "surveys" is in constant question. Too many of them go to library shelves with little official attention, whatever eventual results they may have by moulding public opinion. It is gratifying to find here and there a report the conclusions of which are so practical and so necessary to public interest that they are respected even in part. It would serve well were every such study followed up with a similar postlogue saying what was done about it and what remains to be done.—Lent D. Upson.

In view of the widespread demand that something be done about the reorganization of local government, and of the need for basic facts if we are to do anything worth while, Edward Weamer Carter's study, *Manda-*

*tory Expenditures of Local Governments in Pennsylvania* (Philadelphia, pp. 189) is both timely and significant. He surveys the mandatory expenditures of sixty counties (population under 250,000 each), of the city and county of Philadelphia, of forty-three third-class cities (population under 135,000), of 939 boroughs, 1,574 townships, 424 poor districts, and 2,586 school districts. The purposes of the inquiry as stated are: to determine what constitutes a mandatory expense; to find the important sources of such expenses; to determine the percentage of total disbursements so expended; to discover how other states have handled the problem, and to recommend a policy for dealing with it. The important sources of such expenditures include highways, schools, poor relief, salary fixing and salary raising by legislative act. For the three classes of counties studied, an average of fifty-five per cent of the expenditures are mandatory in character, as well as frequently in amount. In Philadelphia, fifty-four per cent are mandatory, while in the other types of units studied, the percentages range from seventeen for second-class townships to ninety for school districts. Because of the number or governmental units involved, the sampling method had to be used. Without attempting to excuse the shortcomings of the local agencies, it is evident that these units are only in part—sometimes a small part—responsible for the excessive cost of local government. While the state legislature has already relaxed the pressure of mandatory expenditures at important points, the author recommends further relaxation by increasing the discretionary powers of local budgeting authorities.—W. Brooke Graves.

Thomas H. Reed has thoroughly revised his *Municipal Government in the United States* (D. Appleton-Century Co., pp. ix, 395), although the general plan of the book has been only slightly altered. The most significant developments of the last six years have been recorded and appraised, and the references include later material. The historical aspects of the subject seem somewhat less conspicuous than before, perhaps because of added material on proportional representation, administrative organization, municipal finance, and the criteria of good government. As those who have followed Professor Reed's activities during recent years might expect, problems of metropolitan government have not been neglected. In collecting the material on this subject in the two concluding chapters, the author has performed a service to all students of this puzzling question. The book is likely to prove even more popular with college classes than in the earlier form, since the field of administration is not avoided as it was before and the controversial subjects of representation and forms of government are discussed with a fair presentation of their many aspects, but without hesitancy to draw the conclusions which experience warrants. —S. Gale Lowrie.

*Water Supply Organization in the Chicago Region* (University of Chicago Press, pp. 170), by Max R. White, is a valuable addition to the literature on metropolitan government. The relationship which should exist between the communities in a metropolitan region is yet unsolved. The unsatisfactory condition now existing and the need of improvement in governing such regions are shown by a study of the water-supply systems of the Chicago metropolitan region. Within Cook county, Dr. White finds 76 water systems, and in the Chicago region (defined as the area within 50 miles of the intersection of State and Madison streets in Chicago), 168 water systems. He shows the unfortunate results of this lack of a coördinated system of water-supply, with the duplication of effort, and the lack of coöperation on the part of the communities in the region. The quality of water supplied, the operation of the plants, and the personnel and finances of the water systems are all found to suffer from the present organization. In his concluding chapter, the author considers eight alternatives for reorganizing the water supply of the Chicago region. One chapter is devoted to water-supply systems in metropolitan regions other than that of Chicago.—CHARLES M. KNEIER.

The central thesis of George C. S. Benson's *Financial Control and Integration* (Harper and Brothers, pp. 68) is that in large governmental systems two forms of financial control are needed: internal and external. Evidence in support of this hypothesis is drawn from experience in several American states, from the American national government, and from several foreign governments. The idea is not a new one. It has been advocated ably for many years by the research agencies working in the state and national field in this country. The author performs a useful service, however, by bringing together into a single volume material with reference to foreign as well as American methods of dealing with the problem of financial control. The frequent use of colloquial expressions detracts from the value of the book as a serious study.—HARVEY WALKER.

Compiled by the Document Section of the University of Chicago Libraries, and published for the American Public Welfare Association by the Public Administration Service, *Unemployment Relief Documents* (pp. 18) comprises a full, classified bibliography of source materials—principally official publications and special research reports—on the topics covered. The period dealt with is 1929 to April 1, 1934.

### FOREIGN AND COMPARATIVE GOVERNMENT

*Dissolution of the British Parliament, 1832–1931* (Columbia University Press, pp. 174), by Chi Kao Wang, is a study of the factors affecting dissolutions of the House of Commons during the last century, with

special reference to the connection with the problem of ministerial responsibility. After a brief historical introduction on dissolutions before 1832, there follow chapters on who dissolved the Parliaments, and why and how Parliaments were dissolved, and one on ministerial resignations and dissolutions. Parliament is formally dissolved by the king; but since 1834 no dissolution has been by the sovereign on his own initiative. Six dissolutions since 1832 have been due directly to votes in the House of Commons, five of these between 1837 and 1886. Since 1800, dissolutions have been generally due to party conditions, or as a means of testing public opinion on the political situation. Of ministerial resignations since 1832, one (1834) was caused by action of the king, five by the death or illness of the prime minister, ten by defects in the House of Commons, thirteen by the outcome of general elections, and seven by party divisions in the cabinet. The study is based on official material (statutes and parliamentary debates and journals), biographies and memoirs, commentaries and treatises, and periodical literature. The work has been done carefully, and will be of value in comparing the workings of the cabinet-parliamentary system in Great Britain and in other countries.—JOHN A. FAIRLIE.

Though overshadowed within the Westerner's field of vision by matters of economic interest, the U.S.S.R. is confronted with no more delicate problems than those arising from nationalism within the far-flung and heterogeneous federation. In his *Nationalism in the Soviet Union* (Columbia University Press, pp. xi, 164), Dr. Hans Kohn, author of a well-known *History of Nationalism in the East* (1929), undertakes an analysis of this phase of Soviet affairs, not through any extended account of ethnology, linguistics, religions, and *mores*, but by inquiring into the Soviet doctrine of nationalism and more briefly into the applications of it thus far made. Formulated by Lenin before the 1917 revolution, the doctrine has undergone substantially no change in later years. Stated briefly, it is that nationalistic aspirations and rivalries are cold realities of the political situation; that they represent a phase or stage just as does capitalistic production; that they can be turned to account in breaking down the capitalist régime; and that, once this has been done, nationalism will lose its importance politically and lend itself, on linguistic and other lines, to a new and richer cultural development. All this is a matter of time—perhaps a good deal of time—for it envisages the overcoming of traditional and deep-seated mistrust and hatred of peoples toward one another. But, in the view of Lenin, Stalin (himself a Georgian by birth), and other leaders generally, it can be made to work out; and the famous Declaration of the Rights of the Peoples of Russia on November 15, 1917, marked the first long step toward the goal. Dr. Kohn's analysis of this

significant body of theory is lucid and his account of the modes of applying it well-informed and illuminating. Some fifty pages of notes and appendices supply useful factual data, in addition to documentary materials.—F. A. O.

In 1921, a young Englishman who already had served the *New York Times* for a period as a European reporter was given the challenging task of keeping the readers of that newspaper—and therefore the most inquisitive and intelligent newspaper clientele in America—informed on the labyrinthine affairs of Soviet Russia. This assignment Mr. Walter Duranty has discharged through all the intervening years in highly acceptable fashion, and students of Russian politics will be glad that in *Duranty Reports Russia* (Viking Press, pp. viii, 401), Gustavus Tuckman, Jr., of New York University, has culled from voluminous despatches and special articles a collection of materials that may be regarded as most permanently useful. Starting with an article suggested by the fifteenth anniversary of the Bolshevik revolution, the volume proceeds through sections devoted to "Russia under Lenin," "Stalinism," and "Collectivization," to a variety of appendices containing contributions of more or less significance that do not properly classify elsewhere. In a modest prefatory note, Mr. Duranty expresses surprise that anyone should have thought it feasible, or worth while, to undertake such a compilation; and he would be the first to concede the limitations of the materials offered. The editor seems, however, to have succeeded unexpectedly well in making a mosaic with a clear central design out of a vast number of isolated but vivid fragments.—F. A. O.

*The Irish Struggle and Its Results* (Longmans, Green and Co., pp. 160), by L. Paul-Dubois, supplements the same author's *Contemporary Ireland*, published in 1907, which has long been known as the best history of Ireland through the years which it covers. The new volume is a worthy companion to the earlier one, and brings the story down through the events of 1926. The author has been a life-long and sympathetic student of Irish history and affairs, and has brought to his study a scholarly detachment and the advantage of a foreign point of view. There being, at the time when he wrote, strong indications of the development of internal unity in Ireland, M. Paul-Dubois was able to end on an optimistic note. Unhappily, the "interior effort" by which "nations, like individuals, are moulded and progress," has since been expended in channels which, in the opinion of many, can lead only to economic and political disaster. Surely the recent history of Ireland would have been more honorable and more promising of final good if the dissident elements of Sinn Fein and the Ulsterites had accepted the Treaty Settlement. M. Paul-Dubois has

no sympathy with those who opposed the Treaty, although he makes no unreasonable demand that it should have been considered a permanent and unalterable arrangement. The blame for the Irish struggle and its results to 1926 is assessed on all sides. A reader who shares the impartiality of the author will feel that the balance has been held even, although some may think that the Liberal government of the early war years is criticized too severely.—JOSEPH R. STARR.

Professor Harold S. Quigley has contributed to the Day and Hour Series of the University of Minnesota a brief but lucid discussion under the title of *Chinese Politics Today* (University of Minnesota Press, pp. 31). The sound judgment is expressed that China should "defer emphasizing the importance of centralization until political and economic maturity develops in the localities and the provinces through experience with local and regional problems."

Persons interested in the recent revival of republicanism in Spain will find intelligent discussion of the backgrounds of contemporary liberalism in that country in J. B. Trend, *The Origins of Modern Spain* (Macmillan Co., pp. 220). The book deals, however, primarily with literary rather than political matters.

### INTERNATIONAL LAW AND RELATIONS

Ambassador Harry F. Guggenheim's *The United States and Cuba* (Macmillan Co., pp. xiv, 268) is a study of the relations of the republics which does not attempt to review in detail the problems they have had to solve since the period of the Spanish-American War, but seeks to analyze the formal treaty relations which have furnished the background for their connections, along with the conditions which have developed with the passing years and have now brought certain modifications. The Cuban constitution was drawn, the author finds, perhaps too largely on the model of that of the United States to become the fundamental law for a people without political experience. The Platt Amendment and permanent treaty were intended to meet a situation in which the possibility of European intervention in America was much greater than at present. Their provisions were phrased with imperfect knowledge of the conditions to be met and have been interpreted in ways which have lacked consistency and have provoked misunderstanding and friction. The Reciprocity Treaty also was made to meet conditions in the economic development of both Cuba and the United States which no longer exist. This general exposition is followed by chapters detailing the changed outlook brought by later developments and setting forth examples of the difficult alternatives which have arisen in which, apparently, whatever the decision is, it is "wrong." The closing discussions outline a re-

vision of the relationships of these two highly interdependent states, on lines similar to those of the treaty recently made by them. Cuba, writes Mr. Guggenheim, "must work out her own salvation regardless of the mistakes she may make." The Platt Amendment should be recast in the light of present-day conditions. The intervention article, in particular, should be dropped. Intervention should occur only when it "would be justified and pursued under similar circumstances in other countries." A new commercial treaty should stipulate that Cuba will adjust her tariffs so that she will purchase in the United States "whatever cannot be economically produced on the island." In return, Cuba should be granted a "fair quota of the United States sugar consumption." Both these changes are to be made only on "the reëstablishment of truly representative government in Cuba." Some readers will be less optimistic than the author as to the degree to which the proposed changes will solve the problem of the relationship of Cuba and the United States. Cubans have welcomed abandonment of the "intervention" article, but the step which many of them, like many in other Latin American countries, would like to see taken is the unconditional renunciation of the right of intervention under all circumstances. If Cuba is to abandon protection as to articles which she cannot economically produce, why should not the United States adopt the same measure as to sugar? Finally, if the changes are conditioned on the reëstablishment of truly representative government, can assurance be given that such government, once reëstablished, will continue?—CHESTER LLOYD JONES.

A brief sketch of the similarities and contrasts found in the American republics is Stephen Duggan's *The Two Americas* (Scribner's, pp. xiv, 277). The author gives a frank statement of the limitations of both Latin American and Anglo-American civilizations which leaves the reader with a better appreciation of the factual background than it is possible to secure from many works which attempt to promote "better understanding" by glossing over statements of defects which may offend national susceptibilities. Natural resources in Latin America are specialized and limited in number; the basis for great industrial development does not exist. Racial problems are still unsolved; social advance is backward. The United States attitude toward Latin America is pragmatic, sometimes inconsistent, and at least until recently characterized by meddling. The author believes the character of United States diplomatic and business representatives to have been unfortunate, and that the press has been guilty of misrepresentations. Better understanding, he feels, can best be promoted by emphasis of cultural contacts. So brief a sketch must lack the detail which can give the reader the basis for an individual judgment, but the book is nevertheless a stimulating outline

of the basic factors on which the relations of the two Americas rest.—CHESTER LLOYD JONES.

In his *Deutschland und die Vereinigten Staaten von Amerika im Zeitalter Bismarcks* (Walter de Gruyter, Berlin and Leipzig, pp. 368), Dr. Otto Graf zu Stolberg-Wernigerode has written an excellent study of a phase of nineteenth-century diplomatic history not hitherto extensively explored: the relations between Germany and the United States from 1860 to 1890. The study was inspired, the author admits, by his own astonishment at the entrance of the United States into the Great War on the side of the Allies and by the astonishment and chagrin of Germans generally at the consequences thereof. The volume represents a most commendable and scholarly effort on the part of the author to relieve the ignorance of his fellow-countrymen with regard to at least one period of German-American relations. It is, moreover, an authoritative and well-written study, thoroughly documented, based upon both German and American sources, and, fortunately for its scholarly qualities, untainted by the Nazi *Weltanschauung*. Part I, "Der Weg zur nationalen Einheit," reviews early diplomatic contacts between the two countries and examines these contacts in detail during the American Civil War and the German wars of national unification. Part II, "Der Weg zur Weltmacht," throws new light on German-American business diplomacy in the 1880's, on emigration problems, and on the acute and dramatic conflicts between Washington and Berlin in the South Pacific, particularly over Samoa. Dr. Stolberg-Wernigerode strikes a nice balance between the rôles of Germany and the United States in specific controversies, although he perhaps over-emphasizes slightly the factors making for friction rather than those making for harmony. An appendix of highly interesting diplomatic documents and an unusually rich bibliography add materially to the value of the book. One may well hope that the author will continue his work into the period since 1890 when both states, almost simultaneously, became "world powers" and came into even more intimate contacts and conflicts than before.—FREDERICK L. SCHUMAN.

Quantitatively, *Sociology and the Study of International Relations* (Washington University Studies, pp. 115), by L. L. Bernard and Jessie Bernard, shows that extra-national topics have been chosen for about fifteen per cent of the articles, research projects, and theses in sociology in recent years. The sociologist is concerned primarily with the relations of humanity, and when he examines "international relations" he does not confine himself to those matters which constitute the substance of formal action, as the political scientist probably would. Immigration, comparative cultures, "Americanism," nationalism, and other subjects

involving inter-group opinion are viewed on a par with war, peace, international organization, and "imperialism." The authors, however, do make a case for their contention that sociological concepts and methods are of value when used for extracting data on questions of indubitable international character. They persuasively list sixteen methods or principles and fifteen fields of coöperation where sociology can or does fit in. In two chapters on war and peace, the contribution of sociologists to the evaluation of those central problems of international relations are summarized. The items in the present indictment against war are largely in the terms of the sociological writers. As to peace, they are more diffuse, being concentrated more on the elements of social restlessness than on the development of institutions. The little volume expands a survey made for the Social Science Research Council —DENYS P. MYERS.

Chester W. Clark's *Franz Joseph and Bismarck; The Diplomacy of Austria Before the War of 1866* (Harvard University Press, pp. xvi, 635) is true to its sub-title in that it actually constitutes not only a review of the diplomatic relations of Prussia and Austria during the period indicated, but also a very thorough study of the personal and political forces which influenced the formulation of Austrian policy. It is also true to its more challenging first title in that it stresses, throughout, the dominating influence of Bismarck in the making and direction of Prussian policy, while developing the thesis that Austrian foreign policy during that period was actually Franz Joseph's own to a greater extent than most of the previous writers on the subject have seemed to suppose. The book is Number 36 of the Harvard Historical Studies, and is a fitting successor to Lawrence D. Steefel's *The Schleswig-Holstein Question* (Number 37), overlapping it to a certain extent but supplementing it at many important points. By his extensive use of the Austrian archives, as well as those in Berlin and other capitals, Professor Clark has secured for his book a broader documentary basis than the works of Sybel and Brandenburg (for example) could have; and writing with the objectivity of a neutral and the accuracy and restraint of the careful historian, he has no need to apologize for having reopened an old question. In fact, he seems to take a certain pleasure in correcting the inaccuracies of Sybel, whom he accuses of having "deliberately altered his sources to conform to his literary aims and nationalistic purpose." Nineteen significant documents fill an appendix of fifty-three pages; and an extensive critical bibliography also contributes to the value of the book for the student of diplomatic history.—CHESTER V. EASUM.

In *The World Court 1921–1934; A Handbook of the Permanent Court of International Justice* (4th ed., World Peace Foundation, pp. 347), Profes-

sor Manley O. Hudson has brought his handbook of the Permanent Court of International Justice down to 1934. The new edition is done in Professor Hudson's usual thorough style, and is without doubt the most handy reference book to be found concerning the Court. In some 300 pages, the author presents a history of the Court (pp. 1–9); its chronology through the 30th session; lists of the Court's members; a summary of all judgments, orders, and advisory opinions issued, through the cases of the Peter Pázmány University in the one series and employment of women at night in the other (pp. 14–145); a list of signatures and ratifications to the various instruments concerning the Court; the instruments themselves (pp. 154–215); an explanation of the publications of the Court; and in the final part, the documents dealing with the effort to secure ratification by the United States. Citations are given to pertinent documents; the footnotes contain also much explanatory material. The summaries of judgments and opinions are clear and concise, illustrating many interesting points of international law and organization. The reviewer wonders if a future edition could not be made to show briefly the wide compulsory jurisdiction of the Court. Incidentally, the index does not contain the word "jurisdiction." The book is an excellent and useful one. It should be in the hands of every student of international law or organization, and study of it should be urged upon the members of all organizations interested in the pacific settlement of international disputes.—CLYDE EAGLETON.

Ten years ago, Professor Charles G. Fenwick published the first edition of his *International Law*. The second edition (D. Appleton-Century Company, pp. xlviii, 623) has now appeared. It numbers twenty pages less in size. Through condensations, restatements, and additions, the material has been wholly revised. A new chapter on the League of Nations has been added; likewise one on international coöperation for the promotion of social and economic interests. Pertinent references to cases, events, and publications of the last ten years have been included. Some lawyers may not classify this book as law. Nevertheless, it applies legal principles to intercourse between nations. News reporters, foreign service officers, students of history and government will find in the book valuable information presented in an interesting and authoritative manner. The author's confession that Professor Lauterpacht has convinced him that "the 'consent theory' is not only defective as the basis of a system of law but is inadequate to explain the facts of international relations" need not disturb the followers of Grotius. The same objectives can be reached by means of an approach through the consent theory with proper modifications. Professor Fenwick might well have emphasized to a greater extent that international law is the supreme law for the members of the

society of nations. Even the acts of officers and of official bodies of a government must square with international law. —CHARLES E. HILL.

In 1930, Casimir Smogorzewski published a little volume entitled *Poland, Germany, and the Corridor*. The book has now been expanded into a substantial volume entitled *Poland's Access to the Sea* (London: George Allen and Unwin, pp. 468). Like the earlier book, the present one is frankly a reply to "the flood of German propagandist writings which deal with the subject of the Corridor in a tendentious fashion," and it argues not only that the old maritime province of Primorze is historically Polish territory, but that the turning over of the area to the Poland of today was an inevitable implication of the decision of the victorious Powers in 1919 to recognize and uphold the new Republic. The "arguments (so-called) of that German pseudo-science which calls itself Geopolitik" are refuted at length—though one beholds the author later on blandly turning to account something very similar to Geopolitik in developing his case for the existing arrangements. The conclusion inevitably is that "there can be no revision of frontiers at the expense of Poland, for Poland has both right and justice on her side." One can at least find in the volume, in orderly array, every argument, citation, and allusion that can possibly be employed in building up the Polish case in an unfortunate dispute.

Students of international relations in Central Europe will find use for a study by Richard Hartshorne entitled *Geographic and Political Boundaries in Upper Silesia*, reprinted from the *Annals of the Association of American Geographers* (pp. 195–228). Extensive field work on the subject was carried on by the author when a Social Science Research Council fellow in 1931–32.

### POLITICAL THEORY AND MISCELLANEOUS

Another invaluable book, *Social Work and the Courts* (University of Chicago Press, pp. 610), intended primarily for social workers, has been written by Dr. Sophonisba P. Breckinridge, of the School of Social Service Administration at the University of Chicago. *Social Work and the Courts* follows *The Family and the State* (1934) and *Public Welfare Administration* (1927), and the three books are titles in the University of Chicago Social Service Series. This series, together with special monographs and the journal *Social Service Review*, constitute the most important material yet published on the interrelationships of public welfare administration, the law, and social work. In her Introduction, Miss Breckinridge says that the documents are intended to introduce the student to the question

of judicial organization as it affects the task of the social worker. In a few pages she gives the social worker, unacquainted with the law, some elementary definitions and concepts. The first half of the book contains documents on the relation of the judicial to the executive and legislative departments, special problems including the questions of privileged communications and conflict of laws, causes of dissatisfaction with the law, reorganization of the judicial structure as provided by the British Judicature Act, the unified court movement in the United States, the juvenile court movement, etc. The last half of the book is concerned with criminal administration, including methods of punishment, treatment of the woman offender, the office of the United States Attorney-General and the federal offender, and the age of criminal responsibility. There is an excellent bibliography; also a series of questions to guide discussions.—HELEN I. CLARKE.

*Japanese in California* (Stanford University Press, pp. 184), by Edward K. Strong, Jr., is the second of four studies conducted from Stanford University, under a grant from the Carnegie Corporation, on the matter of "educational and occupational opportunities offered to American citizens of Oriental races." The stated object of the present study is "to present the facts regarding the Japanese as they were living in California in 1930," and a great mass of carefully compiled data concerning birthplaces, age, sex, size of families, births, deaths, education, occupations, land ownership, religious affiliations, vocational ambitions, and other matters, is set forth. The data were gathered largely by personal interviews with 9,416 men, women, and children of Japanese ancestry living in California and constituting ten per cent of the Japanese population of the state, who in turn make up 70.2 per cent of the total Japanese population of the entire country. The book is taken up largely with tabulated facts presented in sixty-eight tables, numerous graphs, and other arranged data. While some of the facts may seem of dubious value, the study does present much useful information in a field in which adequate and dependable information was not previously available. Most aspects of the work seem to have little definite political or governmental significance, but its general social import and its interesting presentation make it valuable both to the general reader and to the student of social science.—N. D. HOUGHTON.

*Loose Leaves From a Busy Life* (Macmillan Co., pp. viii, 239), by Morris Hillquit, is an autobiographical memoir having value for the student of American politics for several reasons. The most interesting and too brief account of the life of young immigrants—of the "new immigration"—in the East Side of New York is an indispensable supplement to our sources

of knowledge of how political ideas and movements are formed. We have many descriptions of the life of the Irish-American urban communities, or the older rural and frontier political nurseries. The fusion of transplanted North- and East-European political radicalism with American institutions and practises has a great importance for the politics of 1900–30, and has been too little reported by participants. It is arresting that Hillquit, a product of this fusion, was one of the most valiant fighters for supposed American constitutional principles in the courts and before the electorate during and after the World War. The account of the labor movement among Jewish workers is similarly vauable; while we have here also an appraisal of the American Socialist movement by one who was an active participant from the early days in which it was an almost wholly imported affair whose members strove to make it "American," down through the participation in the LaFollette campaign in 1924 and the two most recent campaigns. The reader leaves the book with great respect for its author, and with the view that despite its relatively brief treatment of important events and persons, it is a valuable aid to an understanding of contemporary America.—JOHN M. GAUS.

With the aid of funds supplied by the Falk Foundation of Pittsburgh, the Institute of Economics of the Brookings Institution has undertaken an ambitious research project under the general title of "The Distribution of Wealth and Income in Relation to Economic Progress." The findings are to be published in four volumes, of which the first, *America's Capacity to Produce* (Brookings Institution, pp. xiii, 608), by Edwin G. Nourse and associates, has now appeared. Later volumes will deal with "America's Capacity to Consume," "The Formation of Capital," and "Income and Economic Progress." In the volume now available, the collaborators consider the production system of the United States realistically as a technological process, with a view to ascertaining the general trend of capital expansion in the country and the capacity of our productive plant and labor supply to produce the goods and services which society requires. This leads them to survey first raw materials, then the processes of fabrication, and finally services such as utilities, transportation, money and credit, and the labor force; and appendices present the methods used, along with various supplementary data. Conclusions are stated serially throughout the volume, after given topics have been discussed, rather than assembled in final chapters; and this renders it somewhat difficult to get a clear idea of the ultimate results. In justice, it must be recalled, however, that the work of synthesis remains to be performed as the later volumes take shape. Meanwhile, the present study meets the highest standards of creative scholarship.—F. A. O.

*European Civilization and Politics Since 1815* (Harcourt, Brace, and Co., pp. xxiii, 879), by Erik Achorn, is something more than the usual sort of textbook on Europe in the last hundred years. Indeed, it may not have been planned as a textbook at all. In any event, it respresents a remarkably successful attempt to write European history not only in a highly readable manner but on the lines of the "new history" developed in Germany by Lamprecht and in our own country by James Harvey Robinson. The two terms employed in the title, "civilization" and "politics," afford a very good clue to the contents of the book. Cultural history, broadly construed, is emphasized; politics, domestic and international, is kept constantly in the picture. Other features include excellent maps, several useful appendices, and a fifty-page classified though not annotated bibliography. A chart showing the interrelations of the Soviet government, the Communist party, and the Third International is the most ingenious and complete that the writer has seen.—F. A. O.

A revised American edition of *The Case for Socialism* (Chicago: Socialist Party National Headquarters, pp. 146), by Fred Henderson, is based on the latest revision of a book published in England, and differs from it only in that American equivalents are substituted for various British allusions and comparisons. Having been adopted by the British Labor party as the official textbook for its study classes, the work may readily be accepted as an authoritative exposition of Socialist doctrine. As such, it has been in wide use in this country for a number of years.

# THE TEACHING PERSONNEL IN AMERICAN POLITICAL SCIENCE DEPARTMENTS

## A REPORT OF THE SUB-COMMITTEE ON PERSONNEL OF THE COMMITTEE ON POLICY TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION, 1934

### PERSONNEL IN POLITICAL SCIENCE: A FOREWORD

The Sub-committee on Personnel of the Committee on Policy of the American Political Science Association has the function of considering and reporting on problems relating to the selection, training, and employment of men and women whose training is primarily in the field of political science, and the study of political science in the education of those to whom it should be an essential part of a training program. The fields of possible employment would seem to be the following:

1. Teaching political science in (a) universities, (b) four-year colleges, (c) junior colleges, (d) normal schools and teachers colleges separate from universities, (e) secondary schools, and (f) other institutions.
2. Research work in connection with (a) universities and other institutions of learning, (b) government departments, (c) institutes and bureaus of government research outside universities, (d) political parties, farmers organizations, trade unions, chambers of commerce, taxpayers' associations, and similar interest groups.
3. Public service such as (a) general public administration, (b) technical staff services (personnel, finance, etc.), (c) professional line services (foreign service, engineering, etc.), (d) legislative drafting and reference service.
4. Supplementary public services in connection with (a) leagues of municipalities and associations of public officials, (b) voters' leagues, such as the League of Women Voters, municipal voters leagues, etc., (c) trade association secretariats.
5. Political journalism, reporting, editorial writing, and publicity work.
6. Elective public office and party service.

The following report, which covers only the first of these fields, and particularly the first parts of it, was prepared by Professor William Anderson, of the University of Minnesota, with the assistance of Miss Myrtle Eklund. It is planned that other phases of the problem of the committee will be dealt with in later reports.

Information concerning the historical development of the study of political science in the various institutions of the country supplementary to that collected by Professor Anderson is greatly desired by the Committee, which is endeavoring to secure such data for the records of the

Association. Members of the Association are invited to coöperate by supplying information, which will be greatly appreciated.

JOHN M. GAUS, *Chairman.*

## I. INCREASE IN NUMBER OF TEACHERS OF POLITICAL SCIENCE IN COLLEGES AND UNIVERSITIES

It is reported that the Harvard College curriculum of 1643 provided for instruction in politics, along with ethics, moral philosophy, and history. In the eighteenth century, several American colleges were apparently giving some attention to political science, under one name or another, and after the adoption of the federal constitution, the interest in the subject seems to have shown some increase. In 1825, Jefferson and Madison planned a course of readings in politics for the University of Virginia. It is generally agreed, however, that the beginnings of political science in American institutions of higher learning were very small in the first two centuries after the founding of Harvard College. Apparently there was no professor of political science under that title in any American college, although some phases of the subject were taught by professors concerned mainly with other subjects.[1]

Francis Lieber, who came to the United States in 1827, and who taught first at South Carolina College (1835–56), and later at Columbia College (Columbia University), is by general agreement one of the first American college teachers who can be classed as a professor of political science.[2] Even he did not give full time to the subject, nor did he have the title of professor of political science; and he ended his teaching career in the Columbia law school. Nevertheless, from his day, in the middle of the nineteenth century, we can sense a continuous development of political science as a college subject. There are evidences of small beginnings in a number of places.

Lieber died in 1872. In 1876, John W. Burgess went to Columbia as Lieber's successor. There he soon founded the first graduate school of political science in the United States, and built up the faculty which has prepared more men for the teaching of political science in American colleges and universities than any other institution.[3] Johns Hopkins, Har-

[1] Professor L. L. Bernard has gathered some materials on the early history of political science in the United States into his article on the social sciences as a discipline in the United States in the *Encyclopedia of the Social Sciences*, Vol. I, pp. 324–349.

[2] On Lieber, see especially Lewis R. Harley, *Francis Lieber; His Life and Political Philosophy* (N. Y., Columbia Univ. Press, 1899).

[3] On Burgess and his work, see *Reminiscences of an American Scholar: The Beginnings of Columbia University*, by John W. Burgess, with a foreword by Nicholas Murray Butler (N. Y., Columbia Univ. Press, 1934); and *A History of Columbia*

vard, Pennsylvania, Michigan, Chicago, and Wisconsin, among others, soon followed Columbia in the creation of departments of political science and in the development of graduate work in this field. Chairs of political science were soon established in many other institutions. As we look back from the vantage point of 1934, it would seem that the short span of the past fifty or sixty years has seen almost the whole growth and flowering of the subject in American colleges and universities.

To the men of forty and fifty years ago it seemed a very difficult task to get political science adequately recognized in the college curricula of the day. There were vested academic interests which claimed the time and thought of the students, and which seemed very slow to yield to such upstart studies. As we look back upon the developments, however, and particularly as we compare the rapidity with which political science came to be recognized in this country as contrasted with the slowness of its progress at Oxford and Cambridge in England, we see the movement in an entirely different light. American colleges now seem to have been quick and generous to accept the new study and to give it a status as a separate department of instruction.

It is hard to get reliable data on the rapidity of the advance of the subject. The Committee on Instruction of the American Political Science Association appointed in 1911 reported in 1916 its conclusion that there was inadequate provision for the teaching of government at that time in American colleges and universities.[4] They reported the numbers of courses offered at the time, but not the numbers of teachers.

In 1930, Professor W. B. Munro, chairman of the Sub-committee on Instruction, reported to the Committee on Policy the following figures from about 200 of the leading American colleges and universities:[5]

TABLE I. TEACHERS OF POLITICAL SCIENCE IN 1929–30

| Rank | Full Time | Part Time | Total |
|---|---|---|---|
| Professor | 164 | 149 | 313 |
| Associate Professor | 58 | 28 | 86 |
| Assistant Professor | 84 | 44 | 128 |
| Instructor | 85 | 46 | 131 |
| Lecturer | 13 | 26 | 39 |
| Total | 404 | 293 | 697 |

*University, 1754–1904* (N. Y., Columbia Univ. Press, 1904), espec. pp. 222–229, 267–305.

[4] Charles Grove Haines *et al.*, *The Teaching of Government; Report to the American Political Science Association by the Committee on Instruction* (N. Y., The Macmillan Co., 1916).

[5] *Report of the Committee on Policy of the American Political Science Association*, published as a supplement to this REVIEW, Vol. XXIV (1930).

Some light on the problem of the rapidity of increase in the number of political science teachers can be obtained by a study of the published lists of subscribers to the AMERICAN POLITICAL SCIENCE REVIEW. The REVIEW began publication in 1906. It increased rapidly in number of subscribers until about 1912, when the rate of increase slowed down greatly. During the World War and for a year or two thereafter, the number declined. Thereafter the number increased again year by year until 1929, when it reached its highest point to date.

On the basis of the lists of 1912 and 1932,[6] we have made certain comparisons which we present in the following table:

TABLE II. COMPARISON OF 1912 AND 1932 SUBSCRIBERS TO AMERICAN POLITICAL SCIENCE REVIEW

(*Within the United States*)

| | 1912 | Per Cent | 1932 | Per Cent |
|---|---|---|---|---|
| Professors and Teachers | 267 | 20.0 | 580 | 34.4 |
| Lawyers, Businessmen, etc. | 419 | 31.3 | 90 | 5.3 |
| Unclassified Individuals | 494 | 36.9 | 451 | 26.7 |
| Total Individuals | 1180 | 88.2 | 1121 | 66.4 |
| Libraries and Other Institutional Subscribers | 156 | 11.6 | 565 | 33.5 |
| Total | 1336 | — | 1686 | — |

We need not here discuss the difficulties involved in making such a table as this, or the probabilities of error in it. If it is substantially reliable as an indication of major trends, it indicates a large increase in numbers of college and university professors and other teachers of political science between 1912 and 1932. The number of such subscribers more than doubled in the twenty-year period, rising from about 267 to about 580. If we assume that practically all full-time teachers of political science and a number of part-time teachers of the subject subscribe to the REVIEW, we have in the figures given above some indications of the growth in numbers since 1912.

How much of this increase came in the last ten years? Returns received by us from 39 leading departments which answered our query in 1932–33 indicated an increase in political science teaching positions in the previous decade from 133 to 230—an increase of 97 positions, or about 73 per cent, in a single decade. A part of this increase seems to have been due to reclassification, as political science separated from some other

[6] The list for 1912 is printed in a supplement to this REVIEW, Vol. VII (1913). Recent lists have been mimeographed by the secretary-treasurer of the Association.

department and became independent. We doubt also whether there was any such rate of increase in the smaller colleges. An increase of about 55 to 60 per cent in political science teachers in this decade is a more conservative estimate, but is not to be taken as anything more than an estimate. The actual figures are not available, and too much research is needed to procure them.

Assuming 60 per cent to be somewhere near the right figure for this decade, it is interesting to note that it is much less than the increase in collegiate enrollments for the decade 1920–30. In that decade, total college enrollments practically doubled.[7] This meant, on the one hand, that college classes were, on the average, becoming larger. On the other hand, it also appears that other departments, such as departments of sociology and schools of business, were growing faster in many places than political science, and were drawing relatively more students into their classes.

To sum up: from such indications as we have, and they are fragmentary and not wholly satisfactory, political science as a college subject made rapid headway after 1900 and down to the American participation in the World War. During that period a number of important political science departments separated from old alliances with history, economics, and other disciplines, obtained an independent position in the college curriculum, attracted their own student followings, and proceeded to develop and round out their courses of study to something like the present richness and variety. The World War and the short post-war depression temporarily slowed up their growth, but by 1922 they were again growing rapidly in the larger institutions and becoming established in smaller ones. This went on until about 1930. The recent depression has again resulted in a cessation of growth, and even in some actual declines in political science staffs in certain places.

## II. PRESENT NUMBERS OF TEACHERS OF POLITICAL SCIENCE IN COLLEGES AND UNIVERSITIES

What is then the present situation as to numbers? Returns from 34 of the larger and better known institutions in 1932–33 showed 252 members of political science faculties. At the same time these institutions reported enrollments of all kinds, including extension students, of over 265,000. The ratio is slightly more than one thousand students to one teacher of political science. Institutions where tutorial and preceptorial methods of instruction are used, such as Harvard and Princeton, showed the highest ratios of instructors in political science to students enrolled. At Princeton, it was better than one political science teacher to 200

[7] U. S. Bureau of the Census, *1932 Statistical Abstract*, p. 102.

students. On the other hand, in several institutions there were more than 2,000 students enrolled in all departments to one teacher of political science.

If the ratio of one teacher of political science to 1,000 collegiate students enrolled held for the entire country, there would be over 1,000 college and university teachers of the subject throughout the country. As a matter of fact, we do not think the ratio holds, for the reason that our sample is not representative. It includes no colleges for women, no important Southern colleges or universities, no Catholic institutions, no teachers colleges, no exclusively technical schools, no junior colleges, and only a few of the smaller four-year arts colleges. In practically all of these types of institutions, it would appear that the proportionate emphasis on political science is less than it is in our sample.[8] In each of them there is likely to be one or more teachers who give a course or two in political science, but with some exceptions this is likely to be a minor interest, and for that reason we cannot class many of these persons definitely as political science teachers. A number of them are probably included as "part time" teachers of political science in Table I above. Their training and major interest is likely to be in history, economics, sociology, or some other field, and their professional connections not primarily with political scientists.

To conclude, then, if every person who teaches one or more political science courses in American colleges and universities is counted as a teacher of the subject, the number will probably go well above 1000. If one takes a stricter view and classifies as teachers of the subject only those whose major interest and training are in the field, and who give most of their teaching time to this subject, the number becomes considerably less. Possibly there would not be over 600, and very probably not over 700.

This conclusion can be checked from another angle. Presumably most of the full-time teachers of political science are subscribers to the REVIEW. The number of subscribers reached a peak in 1929, and in 1932 was only about one-half of one per cent under the number for 1929. From the official list of subscribers issued in July, 1932, we have concluded that only about 580 can be positively identified as college and university teachers.

There was naturally very little information upon which to base this classification. No doubt a considerable number of those in the large unclassified group (451) are teachers of political science, many of them perhaps full-time teachers, although we know that most of those in the list are graduate students (including teaching assistants), research bureau workers, authors, lecturers, editors, public officials, etc. Even if as

[8] On teachers colleges and engineering schools, see *Report of the Committee on Policy of the American Political Science Association*, cited above, pp. 146–168.

many as 100 should be lifted out of this group and placed in the teacher group, this transfer would be offset by the fact that in the latter group are many teachers of history, law, economics, sociology, and journalism who in a strict classification of political science teachers would be omitted.

When compared with other groups of teachers in the social sciences, the number of political science teachers appears small. There can be no doubt that at the present time, taking the country as a whole, collegiate departments of history and economics include many more teachers than do the departments of political science. This fact can be tested by a study of college and university bulletins, and is corroborated also by the larger memberships of the professional societies in those fields and by the longer lists of subscribers to their professional journals.[9]

If the comparison is made with non-social-science departments, the relative smallness of the political science group becomes still more noticeable. English and modern languages, mathematics and chemistry, and the more important professional schools like medicine and law, usually far outnumber political science departments in the same institutions in their staffs of teachers. In fact, the college and university teachers of political science are less than one per cent of the 71,722 college and university teachers (not including those in teachers colleges) enumerated by the Bureau of the Census in 1930.[10]

Whether the number of college and university teachers of political science is too large or too small, no one is in a position to say. For the Association it is important to note, however, that the teaching group has come to be numerically the most important among its individual members. It will be noticed in Table II that in 1912 the number of lawyers and business men subscribing to the REVIEW, and also the number of unclassified individual subscribers, greatly exceeded the professor and teacher group. From the beginning, the teaching group dominated the annual meetings and filled the pages of the REVIEW, but there was a very large fringe of others who helped to support the Association, and to whose needs the REVIEW and the *Proceedings* attempted in some degree to cater. In fact, most of these early subscribers have dropped out, and their places have not been taken by others of like professions or vocations.

The group of "unclassified individual" subscribers includes today a considerable group of graduate students and teaching assistants whose long-run interests are the same as those of the professors. There are also a number of workers in research bureaus and institutes whose interests are in considerable part the same. In addition to these two sub-groups

[9] In association memberships, the difference is considerable. The American Historical Association reports 3,336 and the American Economic Association 3,627 members. *World Almanac*, 1934, pp. 421, 422.

[10] U. S. Bureau of the Census, *1932 Statistical Abstract*, p. 104.

are a number of editors, lecturers, writers, public officials, civic league secretaries, and public spirited citizens of many different vocations and interests. Some of these will probably always wish to subscribe to the REVIEW, but it is unlikely that their wishes and interests will dominate the policies of the Association or determine the nature and the contents of the REVIEW.

In short, the developments of the past twenty or thirty years have made the Association more fully than ever a professional academic society, composed essentially of professors and other teachers of political science, research workers in the same field, and a considerable number of men in graduate schools training for teaching and research positions. Unless there should be a great change in its policies and work, it is doubtful whether large numbers of lawyers, public officials, and business-men will ever again be found in the Association's membership.

### III. DISTRIBUTION OF POLITICAL SCIENCE TEACHERS

If we take the 580 professors and other teachers of political science who subscribe to the REVIEW as our basis for calculation, we find substantial differences in their distribution, between the different sections of the country, as shown in the following table:

TABLE III. RATIO OF TEACHERS OF POLITICAL SCIENCE TO POPULATION AND COLLEGE STUDENTS BY GEOGRAPHICAL REGIONS

| Groups of States | Teachers Subscribing to REVIEW | Students in Colleges and Universities per Teacher of Political Science | Population of Region per Teacher of Political Science |
|---|---|---|---|
| 1. *Northeastern States* (Me., N.H., Vt., Mass., R.I., Conn., N.Y., Pa., N.J., Del., D.C., and Md.) | 230 | 1332 | 159,900 |
| 2. *Middle Western States* (O., Ind., Mich., Ill., Wis., Iowa, Minn., N.D., S.D., Neb., Mo., and Kan.) | 202 | 1,547 | 190,100 |
| 3. *Mountain and Pacific Coast States* (Mont., Wyo., Colo., N.M., Idaho, Utah, Nev., Ariz., Wash., Ore., and Calif.) | 64 | 1,727 | 185,800 |
| 4. *Southern States* (Va., W.Va., N.C., S.C., Ga., Fla., Ky., Tenn., Ala., Miss., La., Okla., Ark., and Tex.) | 84 | 2,212 | 410,500 |
| Total | 580 | 1,578 | 209,600 |

The Northeastern group of states clearly leads, and the Southern states are just as clearly at the bottom of the list with respect to the number of teachers of political science in proportion to college enrollments and to total population.

When types of institutions are considered, the large private colleges and universities clearly have the largest numbers of political science teachers in proportion to students. The state universities as a group are a fairly close second. These two types of institutions together have most of the collegiate political science teachers of the country.

### IV. THE TRAINING OF PROFESSORS OF POLITICAL SCIENCE

What has been the training of our professors of political science, and what trends can we discern with respect to training? In an attempt to answer these questions, we have made some analysis of two distinct groups. The first consists of 86 leading political scientists whose records are summarized in *Who's Who* (1932–33). These may be taken as representative of the older group in the profession. The second group is composed of 80 younger men who had just taken their Ph. D. degrees, or were just about to take them, and whose records are given in brief form in the "List of Persons Available for College and University Appointments in Political Science, 1933–34," issued by this Sub-committee in January, 1933. Many of these men have not yet been placed in teaching positions. A few of them have not yet obtained, and probably some will not obtain, the Ph.D. degree.

It must be remembered that the recent group includes only persons whose names were included in the 1933 placement list. Some graduate schools did not send the names of all recent Ph.D.'s or current candidates for the doctorate, and some men, having already found positions, did not wish to have their names listed. Furthermore, candidates for political science teaching positions who were approaching the profession by some other route than through the Ph.D. gateway were not included in the list. For these and other reasons, the sample is not wholly representative.

Despite these and other qualifications respecting the samples chosen, the trends are too clear not to be perceived by all. First, there has been a great increase in numbers. The new doctors in political science of a recent two to three year period have equalled or exceeded in number all the professors of political science listed in *Who's Who*—a group representing a large part of the Ph.D.'s for nearly a generation. Second, the small colleges have been displaced by the state universities as leaders in turning young men to graduate work in political science, while the larger private institutions have about held their own. Third, there has been no change in the number of institutions granting bachelor's degrees to men who proceeded toward graduate work in political science.

The more important differences between these two groups are summarized in the following table:

TABLE IV. COMPARISON OF 86 POLITICAL SCIENCE PROFESSORS IN WHO'S WHO WITH 80 RECENT PH.D.'S AND NEAR-PH.D.'S IN POLITICAL SCIENCE

| | Who's Who Group | Recent Group |
|---|---|---|
| Total Number | 86 | 80 |
| No. having A.B. degree or equivalent | 86 | 80 |
| A.B. or equiv. from small colleges | 30 | 18 |
| A.B. or equiv. from state univs. | 18 | 31 |
| A.B. or equiv. from large private colleges and universities | 29 | 26 |
| A.B. or equiv. from miscellaneous institutions | 9 | 5 |
| No. of institutions represented | 52 | 52 |
| Largest number having bachelors degrees from any institution | 6 (Harvard) | 5 (Ohio State) |
| No. having Ph.D. or equivalent | 73 | 29 have degree (all others candidates in 1933) |
| Ph.D. degrees or equivalent from foreign university | 6 | 2 |
| Total from Chicago, Columbia, Cornell, Harvard, Johns Hopkins, Pennsylvania, Princeton | 55 | 36 |
| Total from state universities | 8 (Wis. 5) | 34 |
| No. of American institutions represented in granting of these Ph.D. degrees | 13 | 23 |
| No. of foreign institutions represented in granting of these Ph.D. degrees | 6 | 2 |
| Largest no. from one American institution | 23 (Columbia) | 9 (Iowa) |

As to the Ph.D., even in the older group nearly all had this degree or its equivalent, whereas in the recent group all either had it or were on the way toward it. With respect to foreign study, however, there is an even greater difference than is shown by the figures. In the older group, a fairly large number had studied in foreign institutions, usually in Germany, for a year or more. Six have foreign degrees, of which three are German Ph.D.'s, two are French *Drs. en Droit*, and one a recent English (Oxford) Ph.D. In the recent group, only two have foreign Ph.D.'s—one from London and one from Brussels. The old tradition of study in Germany for a mastery of political science has passed. Some young men interested in international law and relations have studied at Geneva, and a few elsewhere, but their degrees are practically all American.

Within the country, the rise of the graduate schools in state universities is clearly reflected in the increased number of institutions conferring Ph.D. degrees in political science, and by the increased proportion of recent Ph.D.s coming from these institutions.

To study abroad, men have to sever home ties for a period, learn to follow lectures and even to speak in a foreign language, and become ac-

quainted with new professors, new ideas, and new institutions. The broadening and deepening effect upon students of such migrations in search of new knowledge have always been deemed of great importance. The new tendency to do nearly all our graduate studying at home is a departure from an old and honored tradition. It is caused in part, of course, by the great improvement and the wide spread of graduate study in political science in American universities. European institutions probably have relatively less to contribute to us now than previously. Economic difficulties, the World War, the decline in the study of German during and after the war, and other factors can also be adduced in partial explanation of the new trend.

If migrations to foreign countries for graduate study have become relatively less common, migration from institution to institution has certainly not increased. Only 10 of the 73 Ph.D's. in the *Who's Who* list took both their bachelor's and doctor's degrees at the same American institution. In the list of 80 recent doctors and candidates for the doctorate, 23 had their bachelor's degree and either had or expected to get their doctor's degree from the same university. In one institution the ratio was over fifty per cent. This trend is one which is generally deplored by the deans of graduate schools and others interested in graduate study, but of course many graduate students feel that they cannot afford to travel, and there are other factors which can be cited to explain the new trend. To justify it would be difficult.

### V. INITIAL SELECTION OF POLITICAL SCIENTISTS

At some point in their careers most men make decisions to follow a particular profession or vocation. What qualities latent in the mind or inherent in the environmental conditions determine the time and the nature of these decisions? Why do certain young men choose to go into political science, while others are deciding on law, medicine, and business as fields for their careers? To such questions there is no present answer, although a number of answers have been suggested.

1. Some of the suggested answers are in terms of psychology. Each man's mind develops a certain "set," it is "interested" in certain things and not in others, and it shows aptitudes along definite lines. Some tests of such interests and aptitudes have been developed for certain broad fields, such as law, and on the basis of their achievements in the tests young men are advised to follow certain lines and to eschew others.[11] Of course such predictive devices have not yet been refined to the point where they can unerringly detect the man who should become a specialist in political science, or in patent law. Political science is so limited a

[11] For the field of law, see A. B. Crawford, "The Legal Aptitude Test Experiment at Yale," 7 *Am. Law School Rev.*, 530 (1932); 1 *The Bar Examiner*, 151 (1932).

specialty, and so closely related to law, economics, history, and other studies, that an exact prediction would seem to be impossible. In fact, even for broader categories, present interest and aptitude tests seem to be only partly reliable. Who can say with certainty, in the formative years of a young man's life, whether he is better fitted to be a botanist or a professor of law, a mathematician or a director of athletics?

2. Other suggested answers, and they are not all mutually exclusive or contradictory to each other, stress early environmental factors and home training, or the influence of the brilliant teacher, or the courses one takes. There are very few objective data which throw light upon any of these suggestions as far as political scientists are concerned. Laborers, mechanics, farmers, clergymen, professional men, and business men rich and poor, native-born and foreign-born, can all be found among the parents of present-day political scientists. The influence of the brilliant high school or college teacher, or of particular courses taken by the student, is very hard to trace in any student's subsequent career.

It is interesting to note, in this connection, from how large and varied a group of colleges the teachers of political science have been drawn. Fifty-two colleges are represented in the *Who's Who* list of 86 leading political scientists, and the same number are included in the list of colleges from which the 80 more recent doctors in political science were graduated. Over 75 different institutions are represented in the two lists. Many of them are small colleges in which there is not a full-time teacher of political science. A number of men in the *Who's Who* group, and perhaps a few in the more recent group, probably did not have a single course in political science in their undergraduate days. The late Professor Burgess notes the fact that at Amherst in the late sixties he received none of the training in political science which he was seeking. What led these men to choose the field of political science for post-graduate specialization, it would be difficult to say. Teachers of history, moral philosophy, and other subjects seem to have had a great influence. Can we not conclude, therefore, that the taking of a full undergraduate major is not necessary in all cases to the man of ability who wishes as a graduate student to major in political science? May it not be true that the undergraduate who grounds himself thoroughly in English, foreign languages, history, philosophy, sciences, and mathematics will have a good foundation for gradulate study of political science, even though he has had but little of that subject as an undergraduate?

3. Some of the answers suggested for the questions propounded above turn upon economic factors. What fellowships, scholarships, and other aids are offered to graduate students to take up political science, as compared with those offered in other academic fields? To what future financial rewards can the young political scientist look forward with confidence?

No doubt such considerations have much influence in determining the choice of many a young man who is interested in political science, but is wavering between an academic career on the one hand and law or business on the other. If his mind is already made up in favor of an academic career, these factors may also have something to do with his choice of a particular academic field, because departments are not equally or proportionately well supplied with fellowships and assistantships, and proselyting is not unknown among related departments.

As far as inducements to take up graduate study are concerned, a recent study has shown that the social sciences generally are at a disadvantage as compared with the natural sciences and technical and professional studies. Less than five per cent of all awards available for predoctoral study are definitely allocated to the social sciences.[12] A careful study of our own fellowship list issued in 1931 reveals that very few fellowships and scholarships are definitely set apart for political science students.[13] In the long run, such deficiencies must have some effect upon the numbers recruited, and when total numbers are held down, some of the abler men must be left without subsidies along with others less able. The importance of increasing the number of fellowships open to graduate students in political science cannot be too strongly urged.

The financial rewards for teaching and research in general constitute a subject beyond the scope of this report. If such rewards are known to be generally low, as they seem to be, a number of the more calculating undergraduates will undoubtedly choose business, the legal profession, or some other field of work in preference to college teaching.[14] On the other hand, if a man decides to ignore the lures of higher pay in non-academic pursuits and to be a college teacher of political science, he may find some little comfort in the fact that political science teachers in colleges and univer-

[12] Social Science Research Council, *Report of the Committee on Social Science Personnel* (mimeographed), Sept., 1933, pp. 1–10.

[13] American Political Science Association, Personnel Service, "Descriptive List of Fellowships and Scholarships Available to Graduate Students in Political Science," December, 1931, 24 pp., mimeographed. This list was inaccurate in some respects when issued, and is also already partly out of date. It shows, however, the number of fellowships and scholarships involving no teaching or assistantship duties, and definitely allocated to political science or government, to be less than a dozen annually for all the leading universities and colleges. In 1931, there were, of course, many assistantships in political science departments involving such duties as teaching, paper reading, and research, but these have subsequently been much reduced in number.

[14] On this point may be noted the work of Harold F. Clark, in *Columbia Alumni News*, Vol. XXIV (Oct. 14, 1932), briefly summarized in *Bull. of the A.A.U.P.*, Vol. XIX, pp. 169–170 (March, 1933). For current conditions, see reports of Sumner H. Slichter on "Economic Condition of the Profession," in *Bull. of the A.A.U.P.*, Vol. XIX, pp. 97–105 (Feb., 1933); Vol. XX, pp. 105–111 (Feb., 1934).

sities are, on the average, as well paid as any of their colleagues, with the exception of teachers in a few of the professional schools.[15]

## VI. QUALITY OF RECENT POLITICAL SCIENCE CANDIDATES FOR THE DOCTORATE

A recent study made for the Social Science Research Council goes thoroughly into the question of whether the social sciences are attracting young men of the highest ability in the same proportions as other disciplines. Since we have not had the facilities to make a similar study for political science alone, we report their conclusions as having at least some application to our field.

"Of the top 10 to 15 per cent of five successive college graduating classes in fifteen institutions over a five-year period ending in 1931, only a fifth of those showing marked capacity in the social sciences chose teaching-research careers, as against two-thirds of the natural science quota and a fourth of the humanities group. The fact that so small a proportion of social science honors students are entering the graduate school is explained in large measure by the strong drawing power of law and business, these two fields capturing as many as 60 per cent of the group."[16]

Proportions are not, of course, conclusive in such cases. Total numbers are also of some interest. The social sciences led in the total number of high-ranking graduates in the institutions studied, numbering 657 to 644 for the humanities and 289 for the natural sciences. Of these numbers, only 128 social science majors chose teaching and research careers, as against 166 in the humanities and 195 in natural sciences.

It is, to be sure, no social loss to have many young men and women of ability, well-grounded in the social sciences, going into law and business. It is one of the functions of these studies to fit students for just such careers, and to send them into life with some knowledge of the social environment in which they live. Undergraduate students of the sciences and of the humanities of necessity look more to teaching as a career than do those majoring in the social sciences. At the same time an argument can be made out in favor of attracting a larger percentage of the abler social science undergraduates into graduate work and thence into teaching and research. Of 490 first-year graduate students in the social sciences studied in nine leading graduate schools in 1931–32, only 32 per cent could be classed as honor students in their undergraduate work. The proportions were very much the same for other groups of students (humanities 30.1 and natural sciences 36.3 per cent), but the important fact is that over

[15] See below, p. 758.

[16] Social Science Research Council, *Report of the Committee on Social Science Personnel* (mimeographed), Sept., 1933, p. 8. See also the corresponding report of Sept., 1932.

two-thirds of those in the social sciences were below the honors student level, and yet were pursuing studies leading to teaching and research positions. We do not have comparable data for political science, but our situation seems to be somewhat better than the average for the social sciences. About 30 of the 80 men in our recent list have Phi Beta Kappa honors or something substantially equivalent—a good showing in view of the fact that some come from small colleges where no chapter of Phi Beta Kappa exists.

### VII. THE DOCTORATE AND OTHER DEGREES

As an education for teaching and research in political science, the work leading to the doctorate has so fully ousted most other forms of training as to suggest that it has become a fetish, and the degree a sort of union card in a closed shop industry. This tendency results in part from the standardizing requirements of certain associations of colleges and other accrediting agencies. If a college cannot be listed as approved by the institutions in its area without having a certain proportion of its faculty made up of men with the Ph.D. degree, that college will either induce some of its younger faculty men to finish their work for the degree or it will find others to take their places. The result in either case is an extra emphasis upon the cabalistic sign "Ph.D." after a professor's name, and a rush of men into the graduate schools in search of the degree. Much of the tremendous increase of enrollments in graduate schools in recent years has come, not because all the men registered wished to do graduate work, but because they were required to get some advanced degree to obtain or to keep college teaching positions.

In spite of this recent tendency, many men can still be found in the departments of political science, as well as in others, who do not have the doctor's degree. Law school degrees (LL.B., J.D., S.J.D.) are fairly numerous among political science teachers. This is especially true in Catholic institutions, where the Ph.D. degree has relatively less vogue than elsewhere. The LL.B. is found alone, or in combination with an A.B., M.A., or other academic degree, not excluding the Ph.D. A few of the most outstanding of American political scientists lack the Ph.D. degree, and have in place thereof a LL.B. or its equivalent, with or without an M.A. Certainly the Ph.D. training is not indispensable for either teaching or research in political science. Because it is most common, it will receive most attention in this report. Its nearest rival, the LL.B. training, although it is far behind, must first be considered.

### VIII. LEGAL EDUCATION FOR TEACHERS OF POLITICAL SCIENCE

To what extent does the training now offered in American law schools for the LL.B. degree fit men for their responsibilities as teachers and re-

search workers in the field of political science? The controversy now being waged as to the curriculum of the law school has brought rather clearly into light the nature of present law school courses.[17] They consist of a study, usually by the case method, and from books, of a series of legal subjects. Most of these, such as property, contracts, torts, bills and notes, corporations, insurance, equity, pleading, and evidence, are usually denominated private law subjects. Others, such as criminal law, public utilities, and conflicts of laws, are of a more public nature, and still others are even more clearly public, namely, constitutional law, municipal corporations, and (where given) international law and administrative law. It is not "law in action" or the work of the courts that is studied, but rather the law as crystallized in rules and principles by judges in the highest courts who have rendered past decisions.[18]

The objectives of legal education, as Dean Pound has expressed them, are primarily to fill the need for "good trial lawyers," "good advocates before the courts in bank," and "good office lawyers," although the needs for good judges and legislative draftsmen are not entirely ignored.[19] The stress in legal education must of necessity be on the preparation of private practitioners, men who are to advise and represent private clients. The purpose is not to train teachers of government. It is probably not unfair to say, therefore, that in most cases even the courses in public law are taught with an eye to the needs of the practicing lawyer. Everyone at all familiar with the subject knows how differently courses in constitutional law, for example, can be taught by teachers having essentially different purposes. Because most constitutional cases encountered in private practice will deal with the due process, contract, and commerce clauses, it is not surprising to find these topics strongly emphasized in law school courses in constitutional law. One teaching the same subject for the purpose of giving students some understanding of government will give emphasis to very different topics.

Other dangers in an exclusively legal education for the teacher of political science are not hard to indicate. The main subjects of a modern political science curriculum are not covered in the law school. Political thought, comparative government, public administration, and local government are a few cases in point. There is danger, also, in a merely juristic approach to the study of government. All the new developments in the

[17] Alfred Z. Reed, *Training for the Public Profession of the Law* (N. Y., 1921), and also *Present-Day Law Schools in the United States and Canada* (N. Y., 1928), espec. Chap. 14. See also *Amer. Law School Review*, which has recently printed many articles on this question, and especially the symposium on "What Constitutes a Good Legal Education," in Vol. VII, pp. 887–909 (Dec., 1933).

[18] Jerome Frank, in 7 *Am. Law School Rev.*, 897 (Dec., 1933).

[19] *Ibid.*, 889–890.

study of politics are going toward the enrichment and the rounding-out of the whole subject, not toward the narrowing of it, and particularly not toward further emphasis upon the legal phases. History, economics, psychology, anthropology, and other disciplines offer just as interesting and fruitful approaches to the study of politics as does the law.

There is, finally, another characteristic of the present-day training of legal practitioners which makes it inadequate as a training for research and teaching in political science. The most commonly employed research method is that of looking up cases in point, finding the principles embedded in them, and testing these principles by logic or "dialectic technique." There is no time or demand for training in other research methods, no urge to apply statistical and other techniques to the materials, and often no desire to go outside of the decisions in order to test the results of the operation of legal rules on social or economic life, or on personal conduct.[20]

These comments are not to be taken as in any sense adverse criticisms of present-day law school training as a preparation for practicing attorneys. The debate upon that subject must be left to the lawyers and law teachers. Neither do we intend to deny the very high degree of success which legal education seems to have in sharpening wits and in enabling lawyers to draw fine and sharp distinctions and to reason with logic and cogency. There are certain strong points in legal education which no one can fail to see. Our main purpose has been to show certain limitations inherent in the very nature of the work in law schools as an education for teachers of political science. Since many small colleges still employ lawyers to teach their courses in political science, these limitations are important to keep in mind.

Despite the fact that it is expensive, the combination of a law school course and a course of graduate study leading to the Ph.D. in political science is probably unexcelled for teachers of public law subjects. Another combination of high merit is that of an M.A. degree in political science and a LL.B. and S.J.D. degree, where both the M.A. and the S.J.D. require a showing of genuine research ability. In several leading law schools, the S.J.D. degree, representing a year of study after the LL.B., has a high value as a research degree.

### IX. THE MASTER OF ARTS DEGREE IN POLITICAL SCIENCE

The significance of the M.A. degree, and the nature and content of the work leading to it, have been widely discussed in recent years. Several leading academic organizations, notably the Association of American Colleges, the Association of American Universities, and the American

[20] There are, of course, some notable exceptions to this statement, but they are exceptions, not the rule.

Association of University Professors, have given extended consideration to the subject.[21]

About the only point upon which the various reports agree is that "obviously the M.A. degree no longer has any definite meaning; or more properly, it has acquired a diversity of meanings which it is impossible to harmonize." "Is it a craftsman's degree, or a technician's, or a scholar's?," asks one observer. Does it represent preparation for teaching, or for research, or does it stand for further cultural training beyond the A.B.? The standards set for the degree vary so much from institution to institution, and among departments in the same institution, that no generalization can be made concerning it.

As far as the collegiate teaching of political science is concerned, although many present teachers hold this degree, it cannot be considered as a rival to the Ph.D. A number hold it in combination with a law degree. Perhaps a larger number, consisting mostly of young teachers, have taken the degree only as a step toward the Ph.D.

On the other hand, in the high schools of certain states the M.A. degree is either held in high esteem or is practically a requirement for the attainment of a teaching position. For this group it is important that the nature and status of the degree be fully understood, and that the work taken to obtain it be suited to the needs of the group. To make the degree what it needs to be is a problem which educational statesmanship in America has only begun to consider.

### X. CONTENT OF THE REQUIREMENTS FOR THE DOCTORATE

For better or for worse, the colleges and universities of the United States have hit upon the Ph.D. degree as representing the sort of training needed by college and university teachers of professorial rank in most departments of instruction. This degree is, therefore, of paramount importance.

In one of the first studies made in connection with the work of the Subcommittee on Personnel, the requirements for the Ph.D. in political science in the leading American universities were summarized. Since this summary is available in the pages of a recent volume of the REVIEW,[22] we note here only the few changes and proposed changes which have come to our attention.

In general, the changes in the past few years have appeared not as new legislative rules governing the degree, but as administrative decisions in

[21] See *Bull. of Am. Assoc. of Univ. Prof.*, Vol. XVIII, pp. 169–185 (March, 1932), for a committee report on "Requirements for the Master's Degree," and *Journal of Proceedings and Addresses of the Thirty-Third Conference of the Assoc. of Amer. Universities*, 1931, pp. 45–57.

[22] See this REVIEW, Vol. XXIV, 711–736 (Aug., 1930).

the political science faculties to tighten and stiffen the enforcement of the rules. A number of institutions report that the less promising candidates for the degree are being discouraged from proceeding toward it. Several departments report the introduction of written examinations at the end of the first year. Others report making these qualifying examinations much more exacting than those previously used. At Stanford, an oral examination of a general nature before all members of the department faculty is now required early in their first year of work of all who wish to be candidates for the degree. At Pennsylvania, care is taken to analyze each new student's training, experience, special fields of interest, and professional or vocational aim, and advice is given as to the prospects for employment. These attempts at guidance and at the weeding out of the less capable candidates take place early in the graduate work. Others appear at later stages in the work, such as comprehensive written as well as oral examinations.

As to content, Columbia requires the candidate to pass a written examination in theory before the oral examination can be taken. Northwestern reports that, in addition to holding candidates for a general knowledge of American and European governments, it now requires them to pass examinations in theory, public law, and one special field. Missouri has eliminated the fixed requirement of a minor, and thus has made somewhat more flexible its rules as to what subjects a student may offer, subject to the approval of an advisory faculty committee.

Criticisms of present Ph.D. requirements have come principally from two quarters, (1) teaching and (2) research.

1. From the one side it is asked, "What are most Ph.D.'s going to do most of their lives?" The answer is, of course, that they are going to teach. Speaking especially of the faculties of colleges in the North Central Association, one writer says: "The truth is that *these faculties are teaching faculties* engaged with students who are too immature for the business of investigation, and with bodies of information that are far short of the frontiers of knowledge."[23] To deny the substantial truth in this statement is impossible. As to the conclusions to be drawn from it, there is more debate. To one school of thought, it follows as a matter of course that candidates for the Ph.D. should take courses in teaching or in education, and a few even press this argument so far as to say that these courses should be in the colleges of education now established in most of the leading universities.

[23] M. E. Haggerty, "The Occupational Destination of Ph.D. Recipients," *Educational Record*, Vol. IX, 209–218 (Oct., 1928). See also F. J. Kelly, "The Training of College Teachers," *Jour. of Educ. Research*, Vol. XVI, 332–341 (Dec., 1927), and "Report of the Committee on Professional Training of College Teachers, 1930" (6-page leaflet).

Others hold that this does not follow at all. Law students study law, not the practice of law, although they give most of their time later to practice. Students of medicine study medicine, not primarily the practice of it. The distinction is broadly made, in other words, between the science and the art. In our own field of work, for example, politics, or the science of politics, may be studied with profit, but the several arts attached to it—the art of politics, the art of teaching politics, and the art of legislation, for example—are deemed not to be capable of mastery through study alone, if at all. Even educationists often make the distinction between the science of education and the art of teaching, and do not claim that all specialists in education are good teachers. By general agreement, there is something personal, intangible and indefinable about the quality of being a good teacher.

Admitting all this, however, it is not fair to conclude that no thought whatever should be given to the problem of teaching. There are certain essential techniques, such as those in the field of examinations, with which the good teacher will be familiar. Other problems relating to college and university administration are of sufficient importance to every teacher to merit some study. In short, the teacher's responsibilities as a teacher and as a member of a college or university community are worthy of the most careful attention. The hit or miss method of trial and error can no more be tolerated than the attitude of mind which ignores all responsibility for the success of the college in which one teaches.

If so much be admitted, what practical conclusions can be drawn? First, teaching techniques are relatively more important, and knowledge of subject-matter less important, at the pre-school, kindergarten, and grade school levels. Farther up, the knowledge of subject-matter becomes increasingly important, and the techniques of teaching less important.[24] The college teacher needs to be a scholar with broad and deep knowledge of his subject. At the graduate school level, the teacher needs a mastery of his subject in the highest sense.

Another distinction needs also to be made. At the lower levels, one needs to know how to handle children, in a general way, and the techniques of teaching in the simple subject-matters presented are not highly differentiated. Teaching methods applied at these levels can be studied and learned. At the higher levels, as subject-matter becomes more difficult and involved, teaching methods also become more highly differentiated according to the subject taught. In the college, teaching methods are more or less peculiar to each subject, and this fact is still more true of

[24] See J. B. Johnston, *The Liberal College in Changing Society*, pp. 276–282; also *Bull. of Amer. Assoc. of Univ. Prof.*, Vol. XIX, pp. 173–200 (Mar., 1933), for a vigorous criticism of present required courses in education for secondary school teachers.

graduate instruction. General courses on teaching methods will not meet the needs of those who are to instruct in advanced college and graduate subjects.

For these reasons it would seem that each department giving graduate instruction and preparing to send out men with the Ph.D. degree who in turn may become graduate school teachers needs to develop its own work in teaching methods. This does not involve anything very formal. In his classes and seminars, the graduate student may learn much from observation of the good and bad in teaching methods. He may be offered the opportunity to present in class his own reports, to handle occasional classes under supervision, and to take on sections in larger courses as a teaching assistant. A course in "Scope and Methods of Political Science" might well be devoted in part to teaching methods, and through it the student might at least learn something of the growing literature on the teaching of political science. In the same course he might also be introduced to the principal works on American college and university problems. He would then be not wholly ignorant of his responsibilities as a teacher and a faculty member.

2. Those who criticize the Ph.D. training for college teachers because of its alleged failure to stress teaching methods either state or imply that there is over-emphasis on research. The thesis requirement in particular is condemned as being either unnecessary or at least excessive in its present form.

From another quarter has come a different attack upon the Ph.D. requirements and the manner in which they are enforced. The Committee on Social Science Personnel of the Social Science Research Council, reporting in 1933, expressed considerable dissatisfaction with the degree from the research point of view.[25] It traced the tendency toward mass production of Ph.D.'s to fill teaching positions, with the consequent standardization and weakening of the requirements, the spread of graduate work to an increasing circle of weaker and weaker institutions, and the granting of degrees to many candidates who are not of the first order of ability. The degree was in fact, the committee thought, becoming more and more a teachers' degree rather than a research degree. Instead of being used to distinguish the more gifted and productive post-graduate students, it was being conferred as a routine matter upon increasing numbers of men not of the first order of ability and not interested in research, men who wanted the degree only as a ticket of admission to the ranks of college teaching faculties.

[25] Social Science Research Council, *Report of the Committee on Social Science Personnel* (mimeographed), Sept., 1933, and the corresponding report for 1932. See also supplement to *Ann. Report of the S.S.R.C., 1931–32*, on "Training for Research in the Social Sciences."

"Without slighting the importance of providing an adequate corps of intelligent and broadly trained teachers for our secondary schools and colleges, and realizing that the provision of effective teachers is vital to the development of research personnel, the Committee is convinced that the tasks confronting social science in the next ten or fifteen years call imperatively for an increasing supply of first-rate research men equipped to explore the complex problems of society and capable of commanding the respect and confidence of the thinking public. In focusing attention upon this objective, the Committee assumes that the types of training now provided in our better graduate schools will continue to be available and that the effective scientific work now being done by the beneficiaries of that training will go on. It is clear, however, that the tendency toward a standardization of graduate requirements, frequently for purposes of convenience and on account of inadequate institutional facilities, has been a real barrier to the stimulation of potential social research personnel. The Committee therefore recommends that at least some graduate students of exceptional promise be given an opportunity to follow a different program and that, to this end, our graduate schools should adopt a more flexible system of graduate training than now prevails."[26]

The committee noted certain hopeful experiments in the direction both of higher standards and of more flexible methods under way in a number of institutions. These included the following: (1) the "adoption of selective standards of admission," to keep down total numbers and to restrict graduate work to the most able group of college graduates; (2) the "development of devices for weeding out mediocre material at the first-year graduate level"; (3) a "trend away from required course work" and the more formal types of course instruction for graduate students; (4) the "flexible adaptation of regulations to individual needs," to enable the better prepared and more gifted students to begin early to develop research habits, without being held up by examinations and course requirements; (5) the establishment of "'inter-discipline' fields of concentration for the Ph.D." Under this last heading the committee spoke favorably of permitting students to concentrate (or distribute?) their work in such a field as international relations, or crime, or urbanism, and to cut across the lines of economics, political science, sociology, etc., in order to get the work they need.

While these hopeful signs were favorably mentioned, the committee thought that "full initiative to the brilliant and original individual" was something still to be attained. It urged consideration especially of the following proposals: (1) that the student be given "direct contact with the phenomena which he studies," through "research apprenticeships"

[26] 1933 report, p. 13.

in connection with "social, governmental or business agencies, or research institutes," so that the student might "live for a time in direct contact with the phenomena and personalities" in his field of study; (2) that two or more smaller pieces of research might in some cases be deemed preferable to the one long thesis; (3) that a system of fellowships be established to recruit "first-year graduate students of exceptional promise," to promote "increased flexibility in training," and especially to permit students during a part of their graduate work to live and study in direct contact with their materials.

It is clear that the committee was particularly desirous of making graduate study somewhat more realistic and less bookish and cloistered than it has been in the past, of breaking down inter-disciplinary boundaries wherever these stand in the way of a full understanding of any research subject, and of bringing the graduate student to a comprehension of research methods of every kind that might help him in the study of his own problem.

It would, or course, be rather difficult to study certain fields, such as political theory and the history of political thought and institutions, in the realistic and "first-hand" manner suggested above. International law and relations, too, are not fully susceptible to such a method of study, although trips to Geneva and The Hague are helpful, and apprenticeships in the State Department might be possible. In the fields of public administration, legislation, and judicial administration, to mention but a few, a direct approach to many types of material is possible, and American graduate students in political science have probably done more realistic work in the fields of local and state government and administration than many persons in other disciplines realize. In fact, one of the dangers in some fields of political science is that the student will be drawn so quickly and completely into practical and realistic work that he will fail to become well grounded in the broader and deeper phases of his subject, such as theory and public law.

Just how the more realistic and practical parts of a student's work can best be provided, it is not easy to say. To send a student into certain offices of government for an apprenticeship would be of little value. Once he had learned certain routine procedures, there might be little more for him to do, and even this would not help much in developing his ability to do research. The research must be carefully planned in advance and the personal contacts must be made with the utmost skill and diplomacy if the student is to have any freedom for research in the government office and any chance of success. In many cases, an institute or bureau of government research would offer much more opportunity for research than the student would find in any government department.

The findings of the Committee on Social Science Personnel discussed

above do not stand alone. Many members of the American Political Science Association, in answer to our query concerning training, expressed views which, when pieced together, summed up to about the same result. At the same time, the somewhat conflicting claims of teaching and research were clearly brought out, and a few took the position that there should be two different types of training, one for the teacher and the other for the researcher. This is a step which the deans of graduate schools very generally oppose, and for reasons which have much cogency.

### XI. TURNOVER AMONG COLLEGE TEACHERS OF POLITICAL SCIENCE

If men are to be trained only in sufficient numbers to fill vacancies in the present staff of political science teachers in American colleges and universities, how many will be needed each year? Have the graduate schools in recent years conferred the Ph.D. in political science on more men than could reasonably be expected to find suitable teaching positions?

Questions such as these arose in the minds of the members of the Subcommittee on Personnel in the last few years. The placement service compiled each year a long list of men available for appointments, and found that many of them could not be placed in teaching positions. Was this due wholly or mainly to the abnormal economic conditions in the colleges, or was the output of Ph.D.'s itself abnormally large?

To get even an approximate answer to these questions, it was necessary to study both the supply of and the demand for men trained in political science. It seemed reasonable to consider primarily the numbers of men graduated from year to year with the political science Ph.D. The following table is substantially complete for the years from 1920–21 to 1932–33, inclusive, since it includes full reports from the 27 leading American graduate schools which are members of the Association of American Universities. The figures for the years 1901–2 to 1919–20 are obviously less complete, but even these are valuable as indicative of trends. The data are given by institutions.

As an indication of the numbers of men and women trained for college and university teaching in political science in the United States, these figures are incomplete in several respects. (1) They include only training for the Ph.D., and not for the M.A., S.J.D., and other degrees. (2) There are no figures for graduate schools which are not members of the Association of American Universities. For several years, the Brookings Graduate School conferred a number of Ph.D. degrees in political science, and the New York University, the University of Washington (Seattle), and several other non-members have each conferred several such degrees. (3) There are no figures, either, as to Americans receiving degrees from foreign universities, or as to foreigners trained abroad who come here for teaching positions.

TABLE V. PH.D. DEGREES IN POLITICAL SCIENCE CONFERRED FROM 1902 TO 1933

| R.O* | | 1902 | 1903 | 1904 | 1905 | 1906 | 1907 | 1908 | 1909 | 1910 | 1911 | 1912 | 1913 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Columbia | 2 | 2 | 3 | 3 | 2 | 2 | 0 | 3 | 2 | 5 | 3 | 5 |
| 2 | Chicago | — | 4 | 1 | 3 | 3 | 3 | 6 | 3 | 1 | 1 | 0 | 2 |
| 2 | Harvard | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| 4 | Johns Hopkins | No data | | | | | | | | | | | |
| 5 | Iowa | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 1 | 1 | 1 |
| 6 | Wisconsin | No data | | | | | | | | 0 | 0 | 2 | 3 |
| 7 | Pennsylvania | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 0 |
| 8 | Illinois | No data | | | | | | | | | 1 | 0 | 0 |
| 9 | California | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 10 | Princeton | No data | | | | | | | | | | | |
| 10 | Stanford | No department of political science | | | | | | | | | | | |
| 12 | Michigan | No data | | | | | | | | | | | |
| 13 | Minnesota | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 14 | North Carolina | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 15 | Cornell | No data | | | | | | | | | | | |
| 16 | Ohio State | No data | | | | | | | | | | | |
| 16 | Northwestern | No data | | | | | | | | | | | |
| 18 | Texas | No graduate work in political science | | | | | | | | | | | |
| 18 | Indiana | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 18 | Yale | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| 18 | Nebraska | No data | | | | | | | | | | | |
| 22 | Missouri | — | No data | | — | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 22 | Washington (St.L.) | No data | | | | | | | | | | | |
| | Total | 5 | 7 | 6 | 6 | 5 | 5 | 8 | 6 | 6 | 10 | 8 | 11 |

TABLE V. PH.D. DEGREES IN POLITICAL SCIENCE CONFERRED FROM 1902 TO 1933 (*Continued*)

| R.O. | | 1914 | 1915 | 1916 | 1917 | 1918 | 1919 | 1920 | 1921 | 1922 | 1923 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Columbia | 3 | 3 | 4 | 7 | 6 | 1 | 6 | 9 | 2 | 3 |
| 2 | Chicago | 1 | 5 | 4 | 1 | 2 | 0 | 2 | 3 | 4 | 1 |
| 2 | Harvard | 1 | 0 | 1 | 2 | 2 | 0 | 1 | 2 | 1 | 3 |
| 4 | Johns Hopkins | No. data | | | | | | 4 | 1 | 2 | 2 |
| 5 | Iowa | 2 | 1 | 3 | 1 | 1 | 0 | 0 | 1 | 1 | 1 |
| 6 | Wisconsin | 2 | 0 | 1 | 1 | 1 | 0 | 2 | 1 | 1 | 2 |
| 7 | Pennsylvania | 0 | 0 | 1 | 3 | 3 | 2 | 0 | 0 | 0 | 4 |
| 8 | Illinois | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 1 | 0 |
| 9 | California | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 1 | 4 | 1 |
| 10 | Princeton | No data | | | | | | 1 | 0 | 1 | 2 |
| 10 | Stanford | No. dept. of Pol. Sci. | | | | | 0 | 0 | 0 | 0 | 1 |
| 12 | Michigan | — | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| 13 | Minnesota | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 14 | North Carolina | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 15 | Cornell | No data | | | | | | 0 | 0 | 0 | 0 |
| 16 | Ohio State | No data | | | | | | 0 | 0 | 0 | 0 |
| 16 | Northwestern | No data | | | | | | 0 | 0 | 0 | 0 |
| 18 | Texas | No graduate work in Pol. Sci. | | | | | | | 0 | 0 | 0 |
| 18 | Indiana | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| 18 | Yale | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 18 | Nebraska | No data | | | | | | | 0 | 0 | 0 |
| 22 | Missouri | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 22 | Washington (St. L.) | — | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 9 | 12 | 18 | 19 | 15 | 5 | 18 | 19 | 17 | 21 |

TABLE V. PH.D. DEGREES IN POLITICAL SCIENCE CONFERRED FROM 1902 TO 1933 (*Continued*)

| R.O. | | 1924 | 1925 | 1926 | 1927 | 1928 | 1929 | 1930 | 1931 | 1932 | 1933 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Columbia | 3 | 5 | 7 | 8 | 6 | 5 | 2 | 8 | 9 | 10 | 139 |
| 2 | Chicago | 3 | 4 | 3 | 7 | 7 | 2 | 4 | 2 | 6 | 4 | 92 |
| 2 | Harvard | 6 | 3 | 5 | 3 | 2 | 1 | 4 | 7 | 9 | 4 | 60 |
| 4 | Johns Hopkins | 3 | 4 | 1 | 1 | 8 | 4 | 5 | 7 | 4 | 6 | 52 |
| 5 | Iowa | 1 | 6 | 1 | 2 | 6 | 2 | 2 | 3 | 3 | 6 | 49 |
| 6 | Wisconsin | 3 | 1 | 0 | 3 | 3 | 6 | 1 | 2 | 2 | 1 | 38 |
| 7 | Pennsylvania | 2 | 1 | 1 | 2 | 3 | 0 | 2 | 2 | 2 | 0 | 36 |
| 8 | Illinois | 3 | 2 | 1 | 5 | 4 | 1 | 5 | 1 | 1 | 3 | 33 |
| 9 | California | 2 | 1 | 1 | 2 | 0 | 1 | 3 | 3 | 2 | 2 | 26 |
| 10 | Princeton | 3 | 1 | 1 | 0 | 4 | 1 | 0 | 0 | 2 | 2 | 18 |
| 10 | Stanford | 0 | 1 | 1 | 4 | 1 | 2 | 3 | 0 | 3 | 1 | 17 |
| 12 | Michigan | 0 | 1 | 1 | 1 | 3 | 2 | 0 | 0 | 1 | 3 | 15 |
| 13 | Minnesota | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 2 | 1 | 1 | 8 |
| 14 | North Carolina | 0 | 0 | 0 | 3 | 1 | 0 | 2 | 0 | 0 | 0 | 6 |
| 15 | Cornell | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 4 |
| 16 | Ohio State | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 3 |
| 16 | Northwestern | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| 18 | Texas | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 2 |
| 18 | Indiana | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 6 |
| 18 | Yale | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 |
| 18 | Nebraska | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| 22 | Missouri | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| 22 | Washington (St. L.) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | Total | 31 | 30 | 25 | 41 | 50 | 29 | 35 | 40 | 49 | 48 | 614 |

* Rank order based upon number of degrees conferred 1920–21 to 1932–33 inclusive.

The numbers involved in each of these omitted categories would certainly not be large. It is very doubtful whether they would seriously alter the trend so clearly shown in the figures. The tendency is clearly one of slowly increasing numbers down to the World War, a rather noticeable increase in annual numbers at about that time, and then a very considerable increase in the post-war years from 1924 to 1933. The peak was in 1928, but 1932 and 1933 are within one and two, respectively, of the peak. By decades, the figures are 378 (nearly 38 a year) for 1924–33; 153 in the decade of 1914–23, on the basis of less complete figures; and 71 in the decade 1904–1913, on the basis of partial figures.[27]

The total figures show 614 Ph.D. degrees in political science, conferred by the American universities listed, in the 32 years from 1901–02 to 1932–33, inclusive. Complete figures would probably reveal about 675 to 700 as the actual number. This figure comes close to the number of teachers of political science previously estimated, which was somewhere between 600 and 700. Of course not all those trained for this field have become teachers, and some have left the field or died; but on the other hand a considerable number of teachers have entered by other gates.

The great increase in numbers in recent years is shown by the fact that over two-thirds (435) of the whole number of degrees given in the table above were conferred in the post-war years, 1920–21 to 1932–33 inclusive. Of these, it is interesting to note, 290, or two-thirds, were conferred by the private universities, including Pennsylvania and Cornell, and 145 by the state universities. In the preceding two decades, the predominance of the private institutions was much more noticeable. Regionally distributed, the 435 came half (217) from institutions in the Northeastern states, where most of the great private universities are located; about 40 per cent (170) from universities in the Middle West; less than 10 per cent (40) from the Far West; and less than 2 per cent (8) from two institutions in the South—North Carolina and Texas.

This notable increase in the number of doctors' degrees was paralleled, of course, by an even greater increase in college and university enrollments in this period.[28] It was paralleled also by the increase of graduate degrees of almost every kind in the same decades.

How many of these young Ph.D.'s sought college and university teaching positions? It has been shown in other studies that as a rule approxi-

[27] It is interesting to notice that the increase in the number of Ph.D.'s conferred in political science corresponds very closely with the numbers conferred in all fields. The figures follow: 1890, 126; 1900, 342; 1910, 409; 1920, 532; 1926, 1,302; 1928, 1,447; 1930, 2,024. See *Statistical Abstract*, 1932, p. 104.

[28] As reported by the Bureau of the Census, the total number of collegiate students enrolled in American colleges and universities increased as follows: 1890, 173,691; 1900, 224,284; 1910, 332,696; 1920, 521,754; 1930, 971,584.

mately 75 to 80 per cent of all men who attain the doctorate of philosophy in American universities take up collegiate teaching as a profession.[29] The proportion in the case of Ph.D.'s in political science seems to be higher than the average. Chemists, physicists, and others have found many opportunities in private industry and in the technical services of national, state, and local governments. There have usually been very few opportunities of this kind for political scientists. Hence we may assume that, except for temporary appointments in the present emergency, practically all of our young doctors have sought college or university teaching positions.[30] This would mean that about 350 of the 378 Ph.D.'s graduated from 1923–24 to 1932–33, inclusive, or 35 per year on the average, went into teaching if they could. Some of them, of course, merely returned to positions from which they had obtained leave while pursuing graduate studies. A number of foreigners, such as Chinese and Japanese, need also to be excluded from this reckoning, since they usually return to their home countries after obtaining the Ph.D.

The important point is to know the ratio between the number of vacancies and the number of men graduated annually. Do we know the rate of annual turnover in political science teaching positions? How many vacancies are there likely to be each year? For obvious reasons, an exact figure is impossible to obtain, but a reasonable approximation is not out of the question. We estimate that with stable conditions in the economic world and no important increases in college enrollments or changes in educational policies, the number will not exceed, and may be considerably less than, 30 a year. This estimate is based upon so many assumptions that it has, of course, very little validity as applied to actual conditions. It was arrived at by a consideration of American mortality rates, retirements, withdrawals to enter other fields of work, and other factors.[31]

That the estimate is approximately correct is evidenced by the fact that even before the depression set in, some new doctors in political science were not placed in positions upon graduation, and that as soon as the depression came, the number of those unable to obtain college teaching positions suddenly increased. There was a real surplus problem. Forty to fifty new Ph.D.'s each year were more than the market could absorb.

If Ph.D.'s continue to be graduated in the future at the rates recently prevailing, and in the face of deflated college budgets and stationary or

[29] M. E. Haggerty, *op. cit.*

[30] Our own recent personnel lists have included nearly all the young doctors in political science of recent years.

[31] It should be noted that most of the men teaching political science in American colleges and universities are relatively young, and that the vacancies due to deaths and superannuation are at present relatively few.

declining college enrollments, what is likely to happen? 1. The heads of graduate schools and of political science departments in them are likely soon to notice the tendency, and to discourage some of the less able graduate students from becoming candidates for degrees. This is already happening to some extent, and there is much healthy talk about more careful selection of graduate students at entrance. 2. If the numbers graduated are not soon reduced to conform to the demand, there will be a considerable number of men in the country, although not in any one section, who will be without the teaching positions they seek.[32] The larger the number of these men, the more effect they are likely to have on beginning salaries for instructors in political science. College presidents attempting to balance budgets in these times cannot in all cases be blamed for seeking to reduce salaries. 3. On the other hand, some of these men will find positions of other types. A number have already been employed in government service, and there will be other outlets for them, to be discussed later. Other possibilities are a renewed growth of college enrollments, an increasing demand from secondary schools, junior colleges, teachers colleges, etc., for political science teachers, and the possibility of the rise of new institutions or of a new emphasis on political science. A separate word needs to be said about some of these possibilities.

### XII. HIGH SCHOOL TEACHING POSITIONS

In the present membership of the American Political Science Association, there seem to be very few high school teachers. The number appears not to have increased since 1912, and never was large. From other indications it appears, also, that relatively few men with the doctorate in political science, men of the kind who would subscribe to the REVIEW, are teaching in high schools. How can this condition be explained?

1. State teacher certification laws generally require applicants for certificates to have taken a considerable amount of work in courses in a department of education. Most of the men who have gone ahead to the doctorate have refused or failed to take this work, since they were generally not interested in secondary school positions. Thus it is that many Ph.D.'s, though thoroughly grounded in subject-matter, are technically disqualified to hold such posts.

2. State departments of education, superintendents of schools, and principals of high schools have generally not encouraged the employment of men with doctors' degrees. They have made no exceptions in their favor, as far as we have been able to learn, and they hold in many cases that the Ph.D. discipline, with its emphasis on specialization and research, really unfits a man for teaching in secondary schools. In some

[32] See p. 758 below for the employment data on recent doctors in political science.

private schools, on the other hand, one finds a few teachers who hold the doctor's degree.

3. Most men who take the Ph.D. degree are definitely opposed to seeking high school positions. Of 26 recent graduates who answered our question on this point, 17, though out of employment, had made no attempt to obtain such posts, while 9 had made some applications. The young men who expressed themselves on the question were in general opposed to the idea of a concerted effort to open the high school teaching field to them. One said: "I do not feel that I would like to teach in the secondary schools, unless as a last resort." Several said, in essence: "The Ph.D. degree is a liability instead of an asset in secondary school positions." Another comprehensively summarized the situation as follows: "The American high school does not provide for stimulating intellectual contacts, it does not have facilities for independent research, it gives no opportunity for travel, its environment is often cramped and barren, and the minutiae of teaching routine and the constant adaptation to juvenile levels of thinking are deadening to original scholarship."

Not only this youngest group of men, but also the great majority of the others who answered our query on this point, were opposed to any organized drive to place our surplus Ph.D.'s in the secondary schools. It was pointed out, among other things, (a) that the Ph.D. training is not the most suitable for high school civics teaching, (b) that the long-time financial rewards for such teaching would not be commensurate with the expense of the doctor's education, (c) that the high school offers the scholar few if any of those conditions, opportunities, or encouragements which lead to scholarly growth and productivity, and (d) that the high school teaching field is itself badly overcrowded and becoming less remunerative through salary cuts.

Such was the predominant sentiment expressed. On the other hand, a few saw more hopeful signs in the secondary schools. One thoughtful observer pointed to the steady rise in state requirements with respect to the professional preparation of teachers as evidence of a possible future demand for the Ph.D. training for high school teachers. If in fact the standards are rising, this is persuasive reasoning. The same correspondent pointed to "the steadily growing interpenetration of college-level and secondary school systems" and a breaking down of the old sharp distinctions. The junior college, for example, is frequently combined with a senior high school. If only one man is employed to teach government in both divisions, the higher standard of the college may prevail, and a Ph.D. be appointed. Likewise there is in the field of language teaching already much recognition by the colleges of what the secondary schools are doing. A foreign language well learned at the lower level need not be repeated at the higher, but instead the student can go on to more advanced courses.

If this were done in the field of government, the larger city high schools might be induced to put their "civics" courses on a firmer and better footing. In time, then, what the combined high-schools and junior colleges and the best city high schools were doing to raise standards would react on and improve the standards of appointment and instruction in other secondary schools. A few have expressed the hope that American high schools will come in time to have faculty standards equal to those of the German *Gymnasium*, in which the employment of Ph.D.'s is a common practice.

It would appear, then, that in the immediate future there is little prospect of placing many young doctors in political science in secondary school positions. The emergency will probably have passed before much can be done. In the long run, however, some experimentation on this line may be highly useful, despite present drawbacks. We would suggest (a) that members of the American Political Science Association support the general movement to raise the standards in secondary schools, (b) that where possible state certificate requirements be so modified as to exempt those having the Ph.D. from the usual requirements in courses in education, and (c) that careful thought be given to the question of whether the present work in government in high schools should not be changed in character and perhaps increased in amount.

### XIII. JUNIOR COLLEGES, TEACHERS COLLEGES, AND ENGINEERING SCHOOLS

According to the last figure we have found, there are over 340 junior colleges in the United States. Many of them are very small institutions attached to some high school. Indeed, only a small percentage of them have separate buildings, although some have separate faculties in the same building as the high school. Where the same building is used, so also is the same library. It is quite obvious, in view of this situation, that high school standards will dominate to a large extent and that not many Ph.D.'s in political science will be employed to teach the few courses offered in government. Such is in fact the case. Less than a dozen junior colleges even subscribe to the REVIEW, and probably not over 25 teachers in junior colleges in the whole country are members of the Association.

Of the nearly 250 normal schools and teachers' colleges in the United States, about 220 offer general training for elementary school teachers or for both high school and elementary school teachers. The course in most is only two years beyond the high school, but some, usually styled teachers colleges, now offer four years of work. The two-year normal school is still essentially a place of training for primary school teachers. There is great stress upon teaching methods, and the faculty members are selected largely from the leading teachers colleges in universities where training in methods is an outstanding purpose. Even where four years of work are

offered, the faculty is still much the same as that of the two-year normal school out of which the four-year schools have usually grown. It is not surprising, therefore, to find relatively few men with doctor's degrees in political science teaching in these faculties. Very few of them have a department of political science. "Social science" and "history and social science" are some of the more common captions. Not over 50 normal school and teachers college libraries subscribe to the REVIEW, and probably not over 100 teachers in these institutions are members of the Association.

As to engineering schools, we were shown in the previous report of the Committee on Policy that they give very little attention to the subject of government, and that there has been no evidence of any change in this respect since 1914.[33] The number of teachers of political science in such schools is very small.

In short, the three types of institutions covered in this section of our report offer little encouragement for the early employment of teachers of political science. The long-run situation may be a different matter. Since the market has become glutted with teachers for both primary and secondary schools, the teacher-training institutions are turning to offering more general cultural work and to holding themselves out as in part liberal arts colleges. Junior colleges also are in some cases trying to raise themselves to the status of four-year colleges. Should these developments come to any considerable extent, these institutions should each employ at least one full-time teacher of political science. This need not necessarily involve a corresponding decrease in the number of political science teachers in other institutions.

### XIV. PART-TIME TEACHERS OF POLITICAL SCIENCE

The part-time teacher is especially numerous in the field of collegiate political science, and he presents a special problem to the profession. He is especially numerous in the smaller colleges, including teachers colleges and junior colleges. In most cases, he is a teacher trained for some other field of work, such as history, economics, or sociology, who is giving most of his teaching time to courses in that field, but who consents to teach one or more courses in political science. To make its offerings complete, the college wishes to offer political science, but it does not feel that it can afford to employ a man especially for that work.

In other cases, the teacher of political science is an administrative officer of the institution—a dean, business manager, or librarian—and devotes most of his time to that work rather than to teaching. In many small institutions, it appears also that some local practicing attorney comes to

[33] Supplement to this REVIEW, Vol. XXIV (1930), pp. 154–159.

the college a few days a week to teach American government and perhaps one or two other courses. In the larger institutions, some part-time teachers of political science are men who give most of their time to some bureau of governmental research, or to editing some periodical related to the field. Men falling in the latter group undoubtedly have a real contribution to make as teachers, since they are daily engaged in studying the problems of government.

The man who cannot give his whole time to the study and teaching of government may have fine personal qualities and teaching ability, but he will ordinarily be unable either to keep abreast of the rapidly growing literature of the field or to establish his standing as a scholar in the subject. If some other subject, such as history, economics, or sociology, has first claim upon his interest, or if some other business demands much or most of his time, his work in political science will necessarily be slighted, and will suffer correspondingly. Some colleges, of course, have established the policy of having only one department of "social sciences" instead of separate departments in each separate discipline. If there were any training which resulted in a thorough fusion of the several subject-matters, this would be more justifiable, but as yet such training has not been developed. The best scholarly work is still done in the separate disciplines, and most teachers go out with a primary interest in one field. Even though there is, for administrative purposes, one department of the social sciences, there is still need for at least one man trained specifically in each field. The only good solution for the part-time teacher problem would seem to be to end it. This will involve some additional expense in many schools, and no one expects such a change to come immediately. It could at least be established as an ideal, however, that every college seriously purporting to offer instruction in political science should have at least one teacher well trained in the subject and giving full time to it. The idea that any one can teach a course or two in government is one which needs to be exploded.

## XV. ECONOMIC CONDITIONS IN COLLEGE TEACHING

An attempt was made to obtain accurate data on the current situation with respect to the salaries, ranks, tenure, teaching loads, and other factors affecting the economic position of teachers of political science. The more this subject was considered the more clearly it appeared that (a) the data are exceedingly difficult to obtain in any reliable, stable, and comparable form as to a limited discipline such as political science, and (b) that any intensive work done on this phase of the personnel problem would in large part merely duplicate and repeat what other associations such as the American Association of University Professors are doing on a

larger scale. We decided, therefore, to refer to other studies for the general materials, and to discuss briefly only two small points.[34]

First, how do the salaries and ranks of political science teachers compare with those of other teachers in liberal arts colleges? In a study of the land-grant universities and colleges a few years ago, history and political science were grouped as one department for the purpose of reporting salary data.[35] It was found that for professors the average salaries in history and political science were higher than those in any other department. Economics was a close second, and the spread between highest and lowest in arts and sciences departments was less than ten per cent. When the other ranks were considered, political science and history teachers did not fare so well, and in the average of all salaries psychology was slightly ahead. This study covered, of course, only one type of institution, but the probabilities are that in other arts and sciences departments or colleges political science teachers stand relatively about as high.

Second, on the economic condition of recent Ph.D.'s in political science we have fairly definite information as of the early part of 1933. At that time, 71 registrants in the placement service answered our questionnaire. Of these, 47 then had employment, and 24 were unemployed. Of the 47, 18 had only temporary employment, generally in connection with universities, and expected to be out of employment by about July 1, 1933. Of the others, 16 had regular teaching positions, 3 held fellowships, two held research positions, one held a public office as a city judge, and seven others had found employment outside of the field of their training. Of the 24 who were wholly unemployed, six had been without political science positions for two years. Those who held college and university appointments were in general fairly well paid, having salaries, with two exceptions, of from $2,000 to $3,500.

Aside from these indications of special conditions, our informants revealed that political scientists were being affected by the deflation in the colleges much the same as their colleagues in other departments. There had been many salary cuts, vacancies were not all being filled, there were fewer assistants to grade papers, and there had even been some cases of increased hours of teaching.

### XVI. THE PLACEMENT SERVICE FOR POLITICAL SCIENCE TEACHERS

One of the first undertakings of the Sub-committee on Personnel was the establishment of a placement service to make contacts between the young men who had finished, or were about to finish, their work for the

[34] See materials referred to in note 14 above. The *Bulletin of the A.A.U.P.* during the past five years has had many items on the subject.

[35] John H. McNeely, *Salaries in Land-Grant Universities and Colleges* (Office of Education, Washington, Nov., 1931), pp. 27.

Ph.D. in political science and the appointing officers of colleges and universities which had vacancies to fill. Several individual members of the Association had tried to do this on a small scale previously. The Sub-committee undertook the work experimentally in 1928–29, and when this experiment proved reasonably successful, established the service on a more permanent basis in 1930–31.

The method of procedure was very simple. After the opening of universities in the fall, all graduate schools and the departments of political science therein were asked to assist in getting all young men recently graduated with the Ph.D. and still unemployed, and all men expected soon to obtain their degrees, to fill out personnel information blanks and to file them with the placement service.

The information thus received from each candidate was condensed into a short statement giving his full name, address, date and place of birth, educational record from college through graduate school, major fields of interest, subjects prepared to teach, Ph.D. thesis topic, positions held, honors won, experience, etc., and in conclusion the names of at least three references. These statements were classified into groups such as (1) candidates who already had the doctor's degree, (2) candidates expecting to obtain the degree in the current year, and (3) candidates with less preparation, were arranged alphabetically within groups, and were mimeographed for mailing to appointing officers.

Some of the mimeographed lists were distributed at the annual meetings of the Association in 1928, 1930, 1931, and 1932. Most of them were mailed out, however, in the following January or February, to the colleges and universities of the country, together with a circular announcing and explaining the service, and offering further assistance, if desired, to any appointing officer having a vacancy to fill in political science. Several times almost a thousand institutions were thus circularized, although as a rule the list was sent to only about 600 of the larger and more important colleges. Follow-up letters were also sent out during the late winter and spring months as reminders of the service, and some supplementary lists were distributed. One year, some hundreds of leading high schools as well as colleges were circularized.

The procedure was so arranged that any appointing officer scanning the list and finding some likely candidates could write directly to them and their sponsors without clearing through the personnel service. From many sources, information came to the Sub-committee that this was done in a number of cases, and that appointments resulted in this way. Unfortunately, there was no record of such results in the files of the placement service, and no exact number of such appointments can be recorded.

In a smaller number of cases, the appointing officers wrote to the placement service for further information. Precautions had been taken to ask

all candidates on the lists to file in the service letters of recommendation from their sponsors, and some had responded to this suggestion. When a request came in for a man with a special training or to teach particular subjects, the files were scanned, from four to six of the more suitable candidates were selected, all available information on these candidates was sent to the appointing officer, and the candidates themselves were asked to take other steps to support their candidacy or to withdraw it if they were not interested. All told, the number of such inquiries was not over ten in any one year. All of them were promptly handled, and some resulted in appointments from our lists.

The placement service offered to handle in a more confidential manner the cases of men already holding appointments who for one reason or another desired to find more suitable positions. Only a small number filed their credentials in this confidential exchange, and very little resulted from it.

The reasoning which led to the establishment of the service can easily be stated. During 1927 and 1928, departments of political science were growing rapidly. There was no shortage of qualified candidates for appointment, for indeed the year 1928, when the service was first established, was the very year in which the number of new Ph.D.'s in political science reached a peak. What was lacking was a central clearing house for helping colleges to find the best men. In so large a country, the best the head of College A could usually do was to write to University W or University X for suggestions. It was impossible for him to canvass all the best available material. His selection was necessarily somewhat hit or miss, and a matter of chance.

It was felt also that since political science is so often a minor field in some other department, the usual tendency was to select a teacher of history or of economics and to ask him to give one or two courses in government as a part of his work. Those in the Association who considered the matter thought that this unfairly doomed political science to remain a minor interest, whereas if more men adequately trained in political science could be appointed, even though they taught also some other subject, their special interest would have more chance to grow and assume its proper place in the curriculum.

Another reason urged was that many colleges were not fully aware either of the subject of political science or of the fact that so many well trained young men in the field were available for appointment. This it was felt probably had unfortunate effects on the colleges and their students, since they were not getting into their curricula the subject of government or on their staffs men adequately prepared in that field. No teachers' agency or university appointment office had any interest in placing a man trained in one field as against one trained in another in any

particular position. It was felt to be a legitimate service of the Association to call to the attention of college deans and heads of social science departments the fact that men thoroughly trained to teach government were available.

For the Association as such, one value of the placement service was seen to be its power to develop among all young political scientists a friendly feeling toward and an active participation in this, their principal subject-matter society. If by this service young men could be helped to procure desirable positions inexpensively and they in turn would work into the Association and labor to promote the best interests of political science through it, both the Association and the young men would benefit. Older men in the Association who, as chairmen and head professors in departments, occasionally have to seek young colleagues would also gain as a result of the service, as would also the colleges in having a wider selection of candidates and some assistance in making a wise choice. In fact, it is difficult to see how anyone, except some private teachers' agencies, could possibly be injured by the service, whereas the interests of education might be materially promoted.

The arguments for establishing the placement service are probably as sound today as they were at the beginning. At the same time, the results have not been all that were expected. The service was something of a novelty, and it was unable quickly to break in upon established methods of locating young teachers. The traditional practice of certain colleges in finding their younger faculty members at certain large universities is not easy to change. In its methods, also, the service was new, and it is not certain whether the lists of available men sent to appointing officers did not in part defeat their own purpose. Certainly the last one was a long and formidable document. Long as they were, the lists were not sufficiently comprehensive, since some men did not submit their records.

Unquestionably the most important factor in diminishing the effectiveness of the placement service was the depression, which began to affect the colleges immediately after the reëstablishment of the service. In the past few years, it was something of a success to find any positions whatever for young men, and this the service certainly did, though only for a small number. When questioned in 1933, 47 of 71 registrants who replied said they had positions of one kind or another. Of these, 11 thought the placement service had been most helpful in finding positions for them, nine gave most credit to their university appointment offices, nine gave credit to commercial agencies, and 14 received most help from their own teachers and friends, while a few did not reply on this point. It was the almost unanimous opinion of those who replied that the service should be continued, and many suggested new or enlarged activities for it.

With its transfer to the office of the secretary-treasurer of the Associa-

tion on July 1, 1933, the placement service enters upon a new phase of its development. It logically belongs in that office, and there is every reason to believe that, with certain changes in method already initiated, its opportunities for service and its chances of success are greatly improved. It will be watched with interest by members of the Association, for it is of course not yet fully settled that such a service should be continued indefinitely. This point will be referred to again in a later section.

Another problem for American colleges and universities is that of filling the more important vacancies for which scholars of maturity are desired. The placement service has done very little as yet in this direction. In Great Britain, it is customary to advertise such vacancies and to ask for applications. In this country we follow other methods, not always with good results. This may be a problem not for political science alone, but for the college teaching profession and college and university administrators in general.

### XVII. PROFESSIONAL INTERESTS OF POLITICAL SCIENTISTS

Is the teaching of political science in colleges and universities a distinct profession? The answer would seem to be in the negative. Standing by itself, the fraternity of political scientists is numerically too small to claim a place as a complete and distinct profession. The physicians of the United States number over 150,000, the dentists 67,000, the lawyers 140,000. In comparison with these large groups, the political scientists are numerically insignificant. A doctor and a lawyer will usually be found in any community of five hundred or more inhabitants, a political scientist only in connection with a fairly large college or university and usually in a large community.

The direct service rendered by the political scientist and that for which he is paid is usually college or university teaching, although administrative work, research, and other services may also be expected from him in varying amounts. In these respects, the political scientist is not essentially different from the college teacher of Latin or astronomy or economics. In short, the profession to which most political scientists belong is that of college and university teachers in general, numbering over 70,000. In so far as professional interests are concerned, then, political scientists would probably do well in the long run to band themselves together with other college and university teachers. A professional association which represents all such teachers in matters which affect the profession as such will be stronger and more effective than a separate professional association of political scientists. Such a general professional association the American Association of University Professors is or is able to become.

This suggests that a clear line of demarcation needs to be drawn be-

tween the functions of the American Political Science Association and those of the A.A.U.P. In fact, such a line has been drawn. The A.P.S.A. is a subject-matter society. Its members are jointly responsible for research and the promotion of knowledge in the field of political science. The holding of conferences on subject-matter and on teaching and research methods, the publication of a review in the field, and the promotion of research, teaching, and publication in political science are the essential functions of the A.P.S.A.

Every political scientist has, then, an interest in a scientific subject-matter. He is also a teacher or research worker with a professional or vocational interest. As such, he is interested in his tenure or right to hold his position as a teacher, in his salary and other emoluments, in the conditions under which he works, and in particular he is interested in academic freedom. None of his teacher-colleagues has more, and very few others have as much, interest as he in the maintenance of complete freedom of teaching and research. On the whole, however, these are subjects in which all college and university teachers have a common interest, though in varying degrees. A general professional society such as the A.A.U.P. is the logical type of organization for these purposes.

There is a borderland, a twilight zone, in which the division of functions is not so clear. The problems assigned to the Sub-committee on Personnel fall partly in this zone. First comes the problem of training for teaching, and the related problems of degrees and degree requirements. Second, there are the problems of recruitment and placement of teachers and research workers. Then there are certain problems of conditions established for teaching and research. In each of these cases there are the more general phases of the problem—those in which the general professional society is interested—and there are the particular aspects of the problem which affect political scientists alone or almost alone. Training for teaching or research in political science is, after all, different in many respects from training for teaching or research in economics, or English, or mathematics. The placement of men in positions also presents its particular problems to political scientists. In many cases there is a competitive element involved. Shall a certain type of teaching or research or public service position be filled by an economist, an historian, or a political scientist? To get the most considered answers to some of these questions, a subject-matter society like the A.P.S.A. must to some extent deal with problems which are, in their general aspects at least, assigned to the A.A.U.P.

Several particular questions of no little difficulty arise. Both the A.A.U.P. and the A.P.S.A. are now conducting placement services for locating teachers in college and university teaching positions. One covers the whole field, the other political science alone. Is there room and need for both, or must one give way to the other type of agency? It is interesting

to note that an earlier attempt to set up a general placement service for all college and university teachers failed to achieve any success. Those in charge of it clearly did not, and could not, have the knowledge needed for giving the best advice on personnel in each of the special fields concerned. This would seem still to be true.

The secretary or some other officer of the A.P.S.A. can obtain the information needed to give fairly expert advice on placements in political science. If the Association adopts the policy of attempting to place political science teachers in institutions now lacking them, and of opening up new research and public service positions for political scientists, its own placement service will be necessary. Finally, it can by rendering this service to its younger men increase their interest in and attachment to the Association. A close and constant attention to personnel and placement problems would seem to be a most wholesome activity for the Association to continue. The American Sociological Society has recently reached a similar conclusion concerning its own field of work, and it now conducts its own placement service.[36]

A similar conclusion is reached also concerning the study of (a) the recruitment of young men before they begin graduate study, (b) the training they receive, and (c) the requirements for degrees in this field, both graduate and undergraduate. A continuous study of these problems is hardly required, but a recurrence to the question at intervals of five or ten years would probably be worth while. There are tendencies and developments in educational practice in political science and related disciplines with which all teachers need to be familiar. A general professional society like the A.A.U.P. will be concerned with common tendencies, but cannot be expected to cover the special problems of each limited discipline such as political science.

### XVIII. THE OUTLOOK FOR POLITICAL SCIENCE

A man swimming for dear life in the trough between great waves finds it a little hard to see what lies ahead, although he knows from experience what lies behind. At this stage in the depression, it is a bit difficult to forecast anything, even for the immediate future. It probably is much better to ignore the depression entirely and to take a long view back over the progress of political science and to try to construct the next chapter as if the long-time movement were being only temporarily slowed up. This is what some of our more thoughtful correspondents did, with interesting results.

If the interest in political scientists and political science shown today by students, the public, the press, and the government is any indication

[36] See *Amer. Jour. of Soc.*, Vol. 38 (Sept., 1932), for announcement.

whatever, political science is very far from being in its coffin. Many were of the opinion that no immediate increase in the demand for political science teachers could be expected, but that the long-time prospects were much more rosy. A past president of the Association wrote that in his judgment "the public need for men trained in political science is incomparably greater than ever before in the history of our nation. I regard the outlook for men in this field as most promising."

Others, although not quite as optimistic, were full of hope and courage. Most of them agreed that the field of college and university teaching probably could not be much expanded in the near future, but they saw in the fields of research, journalism, public service, and the great realm of unofficial public service, opportunities for competent political scientists far beyond any yet developed. The rise of the fraternity of political scientists in America has been steady and rapid for over fifty years. For most of the men in this field, the greatest depression in history has been only a mild recession. With even a partial revival of industrial activity and prosperity, there should come a new upward trend.

But it will not come in the old way. College and university teaching must not be looked upon as the sole outlet and the only occupational opportunity for political scientists. It is necessary to test every other possibility, and to exploit all the new types of openings which seem to have promise. Of these, in the new America, there will certainly be an increasing number.

# DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

## IN PREPARATION AT AMERICAN UNIVERSITIES[1]

COMPILED BY GRAYSON L. KIRK

*University of Wisconsin*

## POLITICAL PHILOSOPHY AND PSYCHOLOGY

*Arnold A. Allan;* A.B., Iowa, 1930; A.M., *ibid.*, 1931. The Party Principles of the Hoover Administration. *Iowa.*

*David M. Amacker;* A.B., Princeton, 1917; A.M., Oxon, 1927. The Impairment of the Theory of External Sovereignty. *Columbia.*

*Maynard W. Brown;* B.S., Wisconsin, 1923; M.S., *ibid.*, 1924. American Public Opinion and European Armaments, 1912–1914. *Wisconsin.*

*Edward M. Burns;* A.B., Pittsburgh, 1927; A.M., *ibid.*, 1929. The Political Philosophy of Daniel Webster. *Pittsburgh.*

*Thomas I. Cook;* B.Sc., London School of Economics, 1928. Political Obligation in Recent American Thought. *Columbia.*

*Clifford E. Garwick;* A.B., Ohio State, 1928; A.M., *ibid.*, 1929. The Political Ideas of Thomas Jefferson. *Yale.*

*Grace Givin;* A.B., Kansas, 1914; S.D., *ibid.*, 1916. Louise DeKoven Bowen as a Political Leader. *Chicago.*

*Robert Grove;* A.B., Bucknell, 1931; A.M., Syracuse, 1933. Attitudes toward Franklin D. Roosevelt as Candidate and President. *Syracuse.*

*Henry Janzen;* A.B., Bluffton, 1927; A.M., Ohio State, 1929. The External Aspect of Sovereignty. *Ohio State.*

*Raymond D. Lawrence;* A.B., Oregon, 1925; A.M., *ibid.*, 1927. Pluralistic Sovereignty. *California.*

*Russell McInness;* Ph.B., Brown, 1922; LL.B., New York Law School, 1925; A.M., Columbia, 1929. Executive Leadership in Legislation in New York State. *Columbia.*

*Peter V. Masterson;* A.B., Woodstock College, 1915; A.M., *ibid.*, 1921. The Political Ideas of Suarez. *Johns Hopkins.*

*Milton R. Merrill;* B.S., Utah State College, 1925; A.M., Columbia, 1932. The Public Career of Reed Smoot. *Columbia.*

*Floyd I. Mulkey;* A.B., Baker, 1925; A.M., Chicago, 1934. Political Theory of Fascism. *Chicago.*

*Ralph O. Nafziger;* A.B., Wisconsin, 1921; A.M., *ibid.*, 1930. The Newspapers and Public Opinion in the United States Concerning the War in Europe, 1914–1917. *Wisconsin.*

*Frances Newborg;* A.B., Wellesley, 1927. Political Ideas in American Fiction. *Chicago.*

*Leonard Niel Plummer;* A.B., Kentucky, 1928; A.M., *ibid.*, 1932. Henry Watterson as a Political Leader. *Kentucky.*

*Leo Rosenberg;* Ph.B., Chicago, 1930. Analysis of the Symbolism of the Third International. *Chicago.*

[1] Similar lists have been printed in the REVIEW as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933).

*Elmer E. Schattschneider;* A.B., Wisconsin, 1915; A.M., Pittsburgh, 1927. The Economic Basis of the Changing Democratic Attitude toward the Tariff. *Columbia.*

*Charles P. Schleicher;* A.B., College of the Pacific, 1928; A.M., Hawaii, 1931. The Contemporary American Peace Movement. *Stanford.*

*James H. Sheldon;* A.B., Marietta, 1927; A.M., Harvard, 1928. Factors Involved in Determining Public Attitudes toward International Policies. *Harvard.*

*Charles W. Smith, Jr.;* A.B., Park College, 1925; A.M., Michigan, 1928. Roger B. Taney; A. Study in Political Theory and Public Law. *Wisconsin.*

*August O. Spain;* A.B., Texas, 1929; A.M., *ibid.*, 1931. The Political Theory of John C. Calhoun. *Yale.*

*Irene Till;* A.B., Syracuse, 1928; A.M., Radcliffe. The Democratic Adventure. *Columbia.*

*R. deVisme Williamson;* A.B., Rutgers, 1931; A.M., Harvard, 1932. The Political Implications of a Planned Economy. *Harvard.*

*John I. Wright;* A.B., Boston University, 1926; A.M., Harvard, 1921. The Administration and Financial System of Ponthiey, 1279–1369. *Harvard.*

*Chitoshi Yanaga;* A.B., Hawaii, 1928; A.M., *ibid.*, 1930. Political Thought in Japan. *California.*

*Juan C. Zamora;* Dr. of Public Law, Havana University, 1917; Dr. of Civil Law, *ibid.*, 1924. Economic Interpretation of Politics. *Columbia.*

## UNITED STATES GOVERNMENT AND POLITICS AND CONSTITUTIONAL LAW

*O. R. Altman;* A.B., Illinois, 1927; A.M., *ibid.*, 1928. The Management of the Republican Party, 1919–1933. *Harvard.*

*H. C. Atkiss;* A.B., Antioch, 1927; A.M., Cincinnati, 1928. Government and Water Power. *Yale.*

*R. R. Barlow;* A.M., Illinois, 1929. The Problem of Information in the National Government. *Illinois.*

*Russell William Barthell;* A.B., Washington, 1930; A.M., *ibid.*, 1931. Attitudes of Business toward Government. *Chicago.*

*Chester Biesen;* B.S., College of Puget Sound, 1925. American Foreign Policy under the Hoover Administration. *Washington* (Seattle).

*Hillman M. Bishop;* A.B., Columbia, 1926. Rhode Island and the Constitution. *Columbia.*

*Eleanor Bontecou;* A.B., Bryn Mawr, 1913; J.D., New York University, 1917. The Rule-Making Power and Federal Legislation. *Radcliffe.*

*Philip I. Booth;* A.B., Arizona, 1930. Criminal Syndicalism Legislation in the United States. *Chicago.*

*B. Brand;* A.B., Mt. Holyoke, 1928; A.M., Bryn Mawr, 1929. Commissions of Inquiry. *Radcliffe.*

*Paul Herman Buck;* A.B., Ohio State, 1921; A.M., *ibid.*, 1922. Reconciliation of North and South, 1865–1900. *Harvard.*

*Edward H. Buehrig;* Ph.B., Chicago, 1932. The Annexation of the Philippine Islands. *Chicago.*

*A. Candace Carstens;* A.B., Smith, 1921; B.S., Simmons, 1922; A.M., Columbia, 1926. Enforcement of the Statute of Provisors. *Radcliffe.*

*Asher N. Christensen;* A.B., Minnesota, 1924. A Study of the Legislative Settlement of Contested Election Cases. *Minnesota.*

*Willard B. Cowles;* A.B., Columbia, 1928. The Treaty-making Power of the United States as an Instrumentality in the Development of Private Law. *Columbia.*

*Lawrence Cramer;* A.B., Wisconsin, 1923; A.M., Columbia, 1926. Advisory Committees in Relation to Federal Administration. *Columbia.*

*Harry Lee Cummings;* A.B., Arkansas State Teachers College, 1927; A.M., Iowa, 1930. The Constitutional Doctrines of Mr. Justice Brandeis. *Iowa.*

*Charles Edwin Davis;* A.B., Texas, 1928; A.M., *ibid.*, 1929. Early Theories of the Powers and Duties of the President of the United States. *Yale.*

*J. H. DeNike;* A.B., Harvard, 1928; A.M., *ibid.*, 1932. "Law and Fact" as Determinant of the Conclusiveness of Administrative Decisions. *Harvard.*

*E. Foster Dowell;* A.B., Johns Hopkins, 1929. Anti-Syndicalist Laws. *Johns Hopkins.*

*Wilson K. Doyle;* A.B., University of North Carolina, 1924. Federal Boards and Commissions. *Johns Hopkins.*

*Donald M. DuShane;* A.B., Wabash, 1927; A.M., Columbia, 1930. American Naval Policy. *Columbia.*

*Elbert F. Eibling;* A.B., Ohio Northern, 1928; A.M., Pittsburgh, 1931. The Administration of the Foreign Service of the United States. *Pittsburgh.*

*Harold R. Enslow;* A.B., Kansas, 1926; A.M., Illinois, 1927. Shall State Income Taxes be Credited Against the Federal Income Tax? *Pennsylvania.*

*Jesse Epstein;* A.B., Washington, 1931. Federal Anti-Radical Legislation. *Washington* (Seattle).

*Benjamin S. Faber;* A.B., New York University, 1930; A.M., *ibid.*, 1931. The Relationship between Tax Administration and Legislation. *New York University.*

*William O. Farber;* A.B., Northwestern, 1932; A.M., *ibid.*, 1933. Judicial Self-Limitation. *Wisconsin.*

*Erwin Feldman,* LL.B., University of Maryland, 1924. The Labor Board under the N.I.R.A. *Johns Hopkins.*

*James W. Fesler,* A.B., University of Minnesota, 1932; A.M., Harvard, 1933. Regionalism in the United States, with Special Reference to Federal Administrative Areas. *Harvard.*

*Hugh Grant;* A.B., Harvard, 1912; A.M., *ibid.*, 1916. The Settlement of Claims Against the U. S. Government. *George Washington.*

*Wallace W. Hall;* A.B. and B.S., Ohio, 1931; A.M., College of the Pacific, 1932. History and Effect of the Seventeenth Amendment. *California.*

*Lucile Lee Harbold;* A.B., Kentucky, 1920; A.M., Columbia, 1925. Federal Unemployment Legislation. *Kentucky.*

*Charles P. Harper;* A.B., West Virginia, 1923; A.M., *ibid.*, 1932. The Administration of the C.C.C. *Johns Hopkins.*

*William L. Harper;* A.B., Wheaton College, 1924; A.M., New Mexico, 1927. The Constitutional Doctrines of Mr. Justice Brewer. *Columbia.*

*Harold F. Hartman;* A.B., Notre Dame, 1930; A.M., Cornell, 1931. The Constitutional Doctrines of Edward Douglass White. *Cornell.*

*Donald Hecock;* A.B., Ohio Wesleyan, 1932; A.M., Ohio State, 1933. Civil Service Practices as Stimulants and Depressants of Morale. *Syracuse.*

*Willard H. Humbert;* A.B., Bridgewater College, 1924; A.M., University of Virginia, 1927. The Pardoning Power of the President. *Johns Hopkins.*

*Howard P. Jones;* B.Litt., Columbia, 1921. Contempt of Court and the Freedom of the Press. *Columbia.*

*Valdimer Orlando Key, Jr.;* A.B., Texas, 1929; A.M., *ibid.*, 1930. Technique and Theory of Graft in the United States. *Chicago.*

*Joseph Kise;* A.B., St. Olaf, 1916; A.M., Harvard, 1928. The Constitutional Doctrines of Harlan F. Stone. *Harvard.*

*Howard Kline;* A.B., Toledo, 1931; A.M., Syracuse, 1933. The Technique of Congressional Investigations. *Syracuse.*

*Joseph T. Law;* A.B., Drury, 1915; A.M., Wisconsin, 1921. Constitutional Limitations on the Delegation of Legislative Power. *Wisconsin.*

*Eugene B. Leedy;* A.M., Columbia, 1932. The Reconstruction Finance Corporation. *Columbia.*

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